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ABSTRACT

Reported are results of a survey and evaluation of the entire system of programs for the education of the handicapped and disadvantaged in Massachusetts. The study focused on three major activities: identification and description of children known to have special needs who are not being served by official agencies; descriptions of life in classrooms, institutions, and other special settings; and development of programs, recommendations, and legislative proposals. The first part of the report, Project Summaries, covers sample exemplary programs, an observational survey of programs for the retarded, social experiences of newly committed retarded children, language stimulation in state institutions, a survey of facilities and services for children with multiple sensory disorders, school-age children not in school, and analysis of Massachusetts' statutes regarding children with special needs. The second part of the report presents recommended legislative reforms, including acts relative to full reimbursement for special education programs and to creation of a new State Department of Child Development (with cost estimates). (KW)

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Summary of

Massachusetts Study of Educational Opportunities for Handicapped and Disadvantaged Children

EC 041 744E

A Study of the
Massachusetts
Advisory Council
on Education

Burton Blatt, Director
Frank Garfunkel,
Associate Director

1 January 1971

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PREFACE

In many ways Massachusetts stands a leader among the states in its legislative provisions for the care and education of the handicapped. Some of Massachusetts' actual programs are superior to those found elsewhere. Yet the gap is too great between these statutes and their realization through the effective care and education of all handicapped children and youth. Some programs are administered by the division of special education in the State Department of Education and some by the Department of Mental Health. Many others are operated by local school systems or private agencies, often with little or no control, or adherence to standards set, by a state agency. Too often handicapped children are lost between the programs of the various agencies or excluded for lack of a place in one of them.

Having conducted studies of specific areas of the education of the handicapped, the emotionally handicapped and the culturally deprived, the Council determined to conduct a survey and evaluation of the entire system of programs for the education of the handicapped. To direct the study, the Council engaged Dr. Burton Blatt, Director, the Division of Special Education and Rehabilitation, Syracuse University. Dr. Blatt, an eminent scholar in the field of special education, was formerly Assistant Commissioner of the Department of Mental Health and a professor at Boston University. The Advisory Council notes that the Office of Program Planning and Coordination of the State Department of Administration and Science cooperated in the planning of

the study and made available to Dr. Blatt funds to provide an analysis of all Massachusetts legislation on the education of the handicapped, an analysis of certain legislation from other states, and suggestions for the clarification and modification of certain laws to provide for better coordination and more effective programs.

Among the many recommendations in this study are those dealing with the extension and improvement of the preparation and certification of teachers for the handicapped, the reorientation of certain programs in the states residential schools; the establishment of a data bank on the various programs, the strengthening of the resources and facilities of the Department of Education and the Department of Mental Health to conduct their programs, and the establishment of regional commissions and a state commission to assure coordination and comprehensiveness. As an alternative to the strengthening of present agencies and their closer cooperation, the study staff offers a plan for consolidation of all programs of education of the handicapped into a new department of child development. Whether such a radical reorganization of the education of a segment of our population is feasible or not, must be determined after careful consideration at the very highest levels of the branches of our executive and legislative government. Whatever the means choosen, more resources far better coordinated need to be used to assure the education and the chance for a decent life of our most unfortunate children and youth. This assurance is required for moral and economic reasons.

On behalf of the members and staff of the advisory Council and the legislators who created it and give it funds, we present this report to the people of the Commonwealth and their educational and political representatives.

It reveals much that is good and hopeful; it reveals that we have much to do; and makes recommendations as to how we should do it.

William Gaige
Director of Research
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PROJECT TITLE	Observational Survey of Special Classes	Study of Experiences of Newly Committed State School Residents	Language Stimulation in State Institutions
AGENCIES	Public schools (87) Preschools (14) Day care centers (7) Institutional programs (10)	Metropolitan State School Northeast State School South Central State School Cape School	Metropolitan State School Northeast State School
DISABILITY AREAS	Severe, moderate and mild mental retardation	Mental retardation	Mental retardation
PRINCIPAL INVESTIGATORS	Burton Blatt Paul Sherlock	Harold Holland	Anthony Giles
CONSULTANTS	Frank Garfunkel	Jonathan Freedman Burton Blatt	Michael Webster Thomas Samph Burton Blatt
FIELD PERSONNEL	Arlene Campopiano, Sandra D'Allasandro, Cheryl Iacchei, June Shawcross, Jane Wall		Karl Nurse Nancy Spekman

TABLE OF ORGANIZATION--Continued

PROJECT TITLE	Study of Children with Multiple Sensory Handicaps	Study of Exemplary Programs	Study of Exempted and Excluded Children	Legislation: Analysis and Reform
AGENCIES	Public and private schools and residential settings	Public school programs	All agencies	Public and voluntary, and local and state agencies
DISABILITY AREAS	Multiply-handicapped; deaf-blind	Emotional disturbance, mental retardation, learning disabilities	All disability areas	All disability areas
PRINCIPAL INVESTIGATORS	Lauren Sanzi	Frank Garfunkel, Emily Hoeffel	Frank Garfunkel, Irena Lombroso, Charles Noble	Lawrence Kotin
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TABLE OF CONTENTS

		Page
INTRODUCTION		1
PART I.	PROJECT SUMMARIES	11
	Chapter 1. A SAMPLE OF "EXEMPLARY" PROGRAMS FOR HANDICAPPED AND DISADVANTAGED CHILDREN	13
	Chapter 2. OBSERVATIONAL SURVEY OF SPECIAL PROGRAMS FOR THE MENTALLY RETARDED IN MASSACHUSETTS	17
	Chapter 3. THE SOCIAL EXPERIENCES OF NEWLY COMMITTED RETARDED CHILDREN	21
	Chapter 4. LANGUAGE STIMULATION IN STATE INSTITUTIONS	25
	Chapter 5. A SURVEY OF FACILITIES AND SERVICES FOR CHILDREN WITH MULTIPLE SENSORY DISORDERS IN THE COMMONWEALTH OF MASSACHUSETTS	27
	Chapter 6. SCHOOL-AGE CHILDREN NOT IN SCHOOL	31
	Chapter 7. ANALYSIS OF MASSACHUSETTS' STATUTES REGARDING CHILDREN WITH SPECIAL NEEDS	33
PART II.	RECOMMENDED LEGISLATIVE REFORM	39
	INTRODUCTION	41
	PART I. AN ACT RELATIVE TO FULL REIMBURSEMENT FOR SPECIAL EDUCATION PROGRAMS	45
	PART II. A CHILD DEVELOPMENT APPROACH	61
	COST ESTIMATE FOR THE CHILD DEVELOPMENT MODEL	79

INTRODUCTION

On January 1, 1970 a team appointed by the Massachusetts Advisory Council on Education embarked upon a study of handicapped and disadvantaged children in the Commonwealth. This study--one that has taxed our intellectual resources and ingenuity--embraced three major foci: (1) the identification and description of those children who are known to have special needs, but are not being served by "official" agencies; (2) descriptions of life in classrooms, institutions, and other special settings for the handicapped; and (3) the development of programs, recommendations and legislative proposals leading to a preliminary master plan designed to bring into more workable and useful juxtaposition our current capability for delivering services and the need for the modification, improvement, and extension of such services.

The number of children in special programs for the handicapped in the Commonwealth of Massachusetts can be approximated and one can easily gather data describing these children. A particular concern of this study was the identification of children who are not now being served by public or voluntary agencies organized for purposes of diagnosing, treating, ameliorating, or otherwise dealing with the problems of handicapped children and their families. Some of these children have been excluded, exempted, or suspended from public programs. Many of these decisions to exclude, exempt or suspend have never been adjudicated; in other cases children have been placed in private settings or in some type of institution or care facility. In still other cases (many of which have been studied intensively here), children have been denied formal schooling because of their adjudged "incorrigibility," truancy, or "maladaptive" behavior. The work of Irena Lombroso, Charles Noble and their associates confronts legal and moral issues related to excluded, exempted, and suspended school children. Harold Holland's report of the initial experiences of

institutionalized children and Anthony Giles' study of language stimulation in the state schools contributed to our better understanding of the consequences of school exclusion without sufficient community alternatives. Lauren Sanzi, from another perspective, viewed this problem as it relates to the treatment and education of multi-sensory disordered children. The accumulative results of these studies demand major revisions of legislative, executive, and programmatic practices, resources, and responsibilities. Possibly, the word "revision" is neither exact nor appropriate enough; for perhaps the findings of this group of interrelated studies suggest the need for a more deliberate approach than that which is implied by such terms as "revision," "modification," or "improvement." This is an issue that requires the deliberations of every thoughtful citizen in the Commonwealth.

The second focus of this study was on descriptions of children in programs designed to serve the handicapped and their families. A group of investigations were organized to examine the range of special programs for the handicapped, the effects of these programs, and define heretofore unresolved problems. Paul Sherlock and a team of graduate students surveyed more than 100 classes, including: preschool clinical nursery and day care classes sponsored by the Department of Mental Health, classes in state institutions for the mentally retarded, and public school classes for the educable and trainable mentally retarded. Emily Hoeffel and a group of observers investigated programs using a model of "exemplary programs" as a frame of reference; they described some of the more innovative and experimental activities in the Commonwealth designed for the emotionally disturbed, disadvantaged, mentally retarded, and learning disabled. Finally, the aforementioned Holland, Giles, and Sanzi studies described the experiences of handicapped children in community and institutional settings. Summaries of the aforementioned project reports are included here.

Our third focus dealt with current laws, regulations, and practices; the reconciliation of these with the needs of children and families; and the responsibilities of state government to each citizen. A system of communication funnelled our research findings without delay to our legal consultants, Lawrence Kotin and Neville Woodruff; in turn, their evaluation and response was communicated to us in what became a continuous loop of information processing. This system led to a set of legislative recommendations and alternatives which, truly, reflect the cooperative and critical effort of all field researchers and legal counsel.

The rest of this introduction is concerned with presenting a brief review of prior related Commonwealth studies; our belief and some assumptions; and, lastly, our need for the thoughtful reaction and response to this report from all concerned citizens--laymen and professionals, all parents of the handicapped and others who advocate in their behalf.

During the past several years, a number of important related studies were completed under the auspices of various Commonwealth agencies. Massachusetts Plans for Its Retarded (1966) was a landmark study, involving hundreds of professional and citizen groups and individuals who, together, provided the wisdom, political strength and impetus to insure the establishment of a Commonwealth Bureau of Retardation. This Bureau was charged with the development of long range state policies for the retarded as well as the integration of research, programs, and agency personnel devoted to the care and treatment of the mentally retarded. That legislation (Chapter 160, Acts of 1966) as well as Chapter 735, Acts of 1966, which reorganized mental health-mental retardation services in the Commonwealth, were among the most progressive developments on behalf of the handicapped in the Commonwealth's long and, essentially, pioneering, history of human services. Chapter 735 paved the way for regional and local participation in the promotion and extension of

services for the mentally ill and mentally retarded. Further, it established, at least in principle, the necessity to develop community alternatives to institutionalization and, most importantly, the responsibility of the Mental Health Department to guarantee the development of such community alternatives. On September 1, 1970, Governor Francis Sargent signed into law House Bill 6087, updating terminology, statutory definitions, regulatory standards for services, and other commitment provisions contained in Chapter 123. The new law is a great liberalizing achievement for those who have long agitated for greater guarantees of "due process" for all citizens of the Commonwealth.

Herbert Hoffman's study, Take a Giant Step (1969), sponsored by the Massachusetts Advisory Council on Education, evaluated the effects of Chapter 750 (1962), which was designed to permit the placement of moderately and severely disturbed children in private special settings, thus enabling them to maximize their educational potential and relieve their emotional difficulties. Based chiefly on interviews with parents and children involved in the so-called "750 Program," Hoffman concluded that a great many changes are necessary to correct some obvious inadequacies. Among his recommendations was one concerned with the development of more in-state alternatives to the current practice of out-of-state placements. Such a network of private and public programs would be coordinated by highly trained regional administrators, qualified in special education and clinical assessment.

The work of the task force on vocational rehabilitation, Helping the Handicapped (1968), the yearly report of the legislative Commission on Mental Retardation chaired by Senator Joseph Ward, this study director's own report A Plan for Reformation of Services for the Mentally Retarded in Massachusetts (1968), and Chapter 647, Acts of 1966 (the so-called "Learning Disabilities" legislation), all have effected attitudinal and behavioral changes in the Commonwealth. The effects of the recently published Task Force on Children Out of School (1970),

which dealt with children excluded from public schools, are yet to be seen. However, in spite of our best intentions--and the remarkable courage, wisdom, and zealousness of many humanitarians--the handicapped in our Commonwealth continue to be an essentially neglected and near-forgotten group. Some may claim that we have improved the lot of the handicapped and their families. It is clear to those who have participated in this study that improvement has been so slow, painful, and negligible that, if this is all the progress that can be achieved our crusade has not been effective or encouraging.

The above leads to a belief and some assumptions, a belief about the causes of behavior, and assumptions about the effects of behavior--in this case, the effects of legislation, regulations or, for that matter, commissioned studies. Because of much publicity and the proverbial "clutching at straws," there are many who feel that regional centers, small institutions, non-medical superintendents or new commitment laws will improve the lot of "inmates" confined to state hospitals or schools. It is our belief that small institutions are <u>not</u> intrinsically better for human beings than large ones. When the departure from large to small facilities first gained support, those advocates of more "home like" centers were individuals who held strong humanistic beliefs. The "home like" centers they developed reflected these beliefs. That is, the centers were "home like" and humane, not because of their size, but as a consequence of the people who built and nurtured them. When a law or regulation mandates that "Thou shalt have small institutions," or "Thou shalt employ non-medical superintendents," society should expect nothing more in return than small institutions and Ph.D.'s rather than M.D.'s. Anything else gained from such laws is merely fortuitous accident. Society should not expect better treatment and care for the mentally ill and retarded until better ways are found to discover and support men and women whose humanistic beliefs dictate that they will either change institutions into

humane living environments or support their destruction.

Similarly, the public schools have their vogues, shibboleths, and prattling hawkers of new costumes and designs. For example, during this decade of the seventies we are embarking on a new social-educational experiment--usually labeled "the tuition voucher system,"--based on the virtuous sounding "Principle of Free Choice." In New York State, the program is grounded in the Greenburg Law, Public Law 4407, which allocates up to $2,000 for each handicapped child for whom the public schools can not (or will not) provide a suitable program. In Massachusetts, with the recognition that it is sometimes more difficult and more costly for the public schools to provide services in certain disability areas, legislation was passed (Chapter 750) providing up to $7,500 for non-public services for each eligible child accepted into a program. Robert Cooke, the distinguished professor of pediatrics at Johns Hopkins University School of Medicine, advocates federal legislation to permit parents of mentally retarded children to select, with tuition support, public or private residential programs for their children. This "Principle of Free Choice" is very appealing to many people. It, in effect, encourages a family to seek for their child the best educational program that money can buy, with some, or all, of that money allocated from public funds. In each state the program is somewhat unique, varying insofar as the kinds of children eligible, the amount of support, the criteria for participation as an approved agency, and the nature and scope of the expected outcomes and benefits. However, among states some degree of uniformity or regularity exists: eligible families have the right to select, from an approved list, what they deem to be more appropriate educational programs than those available through community schools, institutions, or other public agencies; the local or state government contributes X dollars for the support of such programs; the cooperating private agencies must meet certain standards of qualification for participation. In general, the programs are focused on children

who, traditionally, fare poorly in public schools or institutions: the mentally retarded, the emotionally disturbed, the blind, the deaf, and now, the disadvantaged. What has resulted from these experimental attempts to maximize the probability that our most handicapped and disadvantaged children will receive fair and appropriate educational opportunities? The following are a few of our observations:

In Massachusetts, Chapter 750 has become a problem of major proportions. In a program whose initial state allocation of $1,000,000 is now approximately ten times that amount, just a few years later, the waiting lists of eligible children expand as local communities increasingly resist pressures to innaugurate community based, publicly supported curricula for the handicapped. And, as disturbed children are sent to private schools under the provisions of Chapter 750--rather than to community public school programs--they appear to remain there years longer than originally thought necessary. In the meantime, boards of education and their constituencies continue to neglect developing facilities and programs that might have permitted those children to remain at home, in a normal community environment. In effect, what was originally intended to be positive and liberal legislation on behalf of handicapped children may have become the instrument that now prevents, or discourages, local communities from meeting their obvious responsibilities to these children and their families.

In New York State, the Greenburg Law has, de facto, encouraged many communities to discontinue their special programs for the handicapped by permitting families to "purchase" private or other publicly supported educational programs for their children. However, as the New York legislation allows not more than $2,000 per year for each child in such a program--and as quality private schools for the handicapped cost considerably more than that--poor families have great difficulty participating in and benefitting

from this legislation; at the same time, public educational alternatives are decreasing. In effect, the New York State legislation--as the Massachusetts legislation--encourages institutionalization, the removal of children from their homes, the abrogation of, heretofore, community-accepted responsibilities for the education of all children, and the further stigmatization of children and their families. It is possible that the right to public education is a principle of a higher order and, consequently, of a higher priority than whatever principles were the underpinnings of the Massachusetts, New York, and other "free choice" legislation. It is possible that, if we examined our state and federal constitutions, we would find that there are clear mandates for local governments to provide suitable educational programs for all children within their geographic-political boundaries. Discrepancies have been found to exist between the expectations held by the sponsors of "free choice" legislation and the actual experiences of particular children. It is possible that "free choice" legislation--wrongfully assuming that all people have the freedom to take advantage of it--is discriminatory legislation at best and, at the extreme, illegal or abusive.

We hope we have made our beliefs and assumptions clear, even if each is not to your complete agreement. Although we believe that reports such as this--as well as more positive and liberal legislation, a greater and more appropriate share of the public's resources, and better facilities to accomplish our mission--will all be "to the good," we cannot help but believe that little may really change, in respect to the handicapped and the lives they will lead or endure, unless all people change their conceptions of human potential and their attitudes toward those who deviate from the typical. With respect to our assumptions, it should be made clear at the outset that we are biased toward the prospect of each individual living at home or, for want of this desired placement, in as "normal" an environment as society has at its command. Our biases are in the

direction against segregated programs, involuntary or unnecessary institutionalization, closed settings, and monolithic organizations. We believe the offenders to be not so much the institutions or the special classes, or superintendents or other professionals, but those whose convictions dictate that there can be but one way to provide care or treatment for the handicapped.

Authors' acknowledgments are rarely complete, are either overstated or ungrateful--or both--and are typically ignored and unappreciated by most readers, including those acknowledged. However, it would be an unforgivable breach of decency if, on behalf of our staff, we neglected to extend sincere and enthusiastic regard for those many colleagues, friends and especially members of our study council whose encouragement and wisdom made our work less arduous and, we believe, more productive. Further, to each staff member, with genuine gratitude, we remain your devoted admirers. Lastly, the project director, in awe and affection, offers his inadequate thanks to two individuals who consistently worked the hardest, behaved with complete unselfishness, and accomplished more than he expected or deserved: Mrs. Nancy Spekman and Dr. Harriett Blank.

Syracuse, New York
December 1, 1970

Burton Blatt
Frank Garfunkel

Note: The analysis of legislation, which is summarized on pages 33 to 37 was sponsored by a grant from the Massachusetts Department of Administration and Finance, Bureau of Retardation.

PART I

PROJECT SUMMARIES

CHAPTER 1

A SAMPLE OF "EXEMPLARY" PROGRAMS FOR HANDICAPPED

AND DISADVANTAGED CHILDREN

This project was concerned with "exemplary" special education programs in public schools. "Exemplary" was operationally defined in terms of integration of agents--children, teachers, parents--and activities. Not every program designated as "exemplary" was expected to include all aspects of integration. The term "exemplary" was applied to those programs which, in some way, had gone beyond the conventional isolated special class model.

Four graduate students screened 68 recommended public school systems; of these, 18 were chosen as "exemplary." The project utilized participant observation and non-structured interviews to obtain data. The observers entered a wide range of special programs with a deliberate humanistic orientation, viewing the <u>total</u> setting rather than a limited aspect of it. Programs visited ranged from sheltered workshops to pre-school Homestart programs, and served a wide range of children with special needs.

Observations focused on the educational setting, the general attitude within the system, the degree of integration, curriculum innovation, the role of the teacher, parent and community involvement, and the use of ancillary services and consultants. The data led to the following implications for action.

The implications stemming from the specification of exemplary characteristics in the field of special education are profound. ENCOURAGING FLEXIBILITY, OPENNESS AND RESPONSIVENESS ON THE PART OF ALL PERSONNEL SERVING HANDICAPPED CHILDREN IS VITAL IF SYSTEMS OF EDUCATION, TEACHER TRAINING, AND COMMUNITY INVOLVEMENT ARE TO BE CONSIDERED ADEQUATE. SERVICES FOR THE TOTAL CHILD WITHIN THE TOTAL SCHOOL AND THE COMPREHENSIVE SCHOOL-COMMUNITY SETTING <u>MUST</u> BE PROVIDED.

AN OBVIOUS OUTGROWTH OF THIS APPROACH WOULD BE SPECIAL EDUCATION TRAINING FOR ALL TEACHERS. Personnel from special education departments of various colleges throughout Massachusetts attended a conference sponsored by our study team in Boston on May 15, 1970 for the purpose of discussing existing college programs and curricula, as well as innovative methods for adequately training teachers of the handicapped and disadvantaged. The strong consensus was that college programs, as they exist today, are often too narrow in scope, i.e., overspecialization has served to limit the development of broad perspectives.

The project confirmed the suspicion that no single teaching technique is appropriate to the whole spectrum of abilities and disabilities represented in a classroom; in fact, many techniques were seen to be effective. IN ORDER FOR A TEACHER TO DEVELOP THE WIDE RANGE OF NECESSARY SKILLS, REALISTIC (E.G. PRACTICUM) EXPERIENCES MUST BE PROVIDED. TEACHER TRAINING SHOULD NOT CEASE UPON GRADUATION OR UPON THE RECEIPT OF A DEGREE, BUT SHOULD BE A CONTINUING PROCESS.

THE NEED TO CHANGE THE RIGID CONCEPT OF THE SPECIAL CLASS TEACHER BY PROVIDING FOR SUPPLEMENTARY OR ALTERNATIVE SERVICES IS EVIDENT. Examples include the "crisis teacher" and the "itinerant teacher" who would see the pupil episodically or on a continuing basis on the provision that the pupil spends the majority of time with the regular class teacher. IN ADDITION, IN-SERVICE COURSES, UNIVERSITY AND INSTITUTIONAL EXPERIENCES, WORKSHOPS AND DEMONSTRATION COURSES SHOULD BE HELD. These experiences would tend to encourage flexibility and willingness to try new approaches.

CREATIVE LEADERSHIP AND VITALITY AT ALL LEVELS OF THE EDUCATIONAL SYSTEM COULD ALSO BE STIMULATED BY ALLOWING LEAVES OF ABSENCE FOR SHORT-TERM INTENSIVE EXPERIENCES IN OTHER SETTINGS, TWO OR THREE MONTH IN-SERVICE SABBATICALS AND MORE EXTENSIVE COURSE-WORK-PRACTICUM EXPERIENCES. SUCH MULTI-DIMENSIONAL EXPERIENCES FOR ALL PROFESSIONALS INVOLVED IN EDUCATING THE CHILD WOULD ALLOW FOR A BROADER PERSPECTIVE IN MEETING HIS NEEDS. PARTICIPANT OBSERVATION

PROCEDURES WOULD BE VALUABLE FOR PROFESSIONALS BY STIMULATING CRITICISM AND EVALUATION OF VARIOUS TECHNIQUES, AND LEADING TO THE EXCHANGE OF IDEAS. VISITS TO OTHER SCHOOL PROGRAMS, PROFESSIONAL SCHOOL LIBRARIES, EXHIBITS AND BULLETINS, REGIONAL MEETINGS, STAFF CONFERENCES ARE ALL IMPORTANT IN THE EFFORT TO CREATE AN ATMOSPHERE THAT ALLOWS FOR THE DEVELOPMENT AND IMPLEMENTATION OF INNOVATIVE PRACTICES.

ALTHOUGH IT HAS BEEN REPEATEDLY EMPHASIZED THAT ONE MUST CONSIDER INDIVIDUAL DIFFERENCES, THIS MUST NOT RESULT IN LABELING OR STIGMATIZING A CHILD, THEREBY CATEGORIZING HIM AS A "SECOND CLASS" CITIZEN OR A MEMBER OF A MINORITY GROUP. THERE IS A NEED TO DISCONTINUE THE RIGID USE OF CLINICAL LABELS SUCH AS "MENTALLY RETARDED" OR "EMOTIONALLY DISTURBED." "Marginal" children and/or children whose disabilities do not clearly fit the labels are most often excluded <u>both</u> from gaining special services and from taking advantage of the typical services provided. Moreover, clinical labels are often unrelated to the educational potential of disabled children; they offer little or no information to aid in proper planning. For example, knowing that a child is moderately retarded tells nothing about his potential for change or his capabilities. Furthermore, there is no indication of how best to utilize existing services for the child's benefit.

THE TREND MUST BE TO MOVE AWAY FROM THE CURRENT CONNOTATION OF SPECIAL EDUCATION. PERHAPS THE MOST FAR-REACHING IMPLICATION OF THESE EXPERIENCES WAS THAT THE SPECIAL CLASS, AS IT USUALLY EXISTS IN PRACTICE--I.E. TOTAL ISOLATION OF THE GROUP--SHOULD BE ABOLISHED. IN THIS WAY, ALL EDUCATION FOR ALL CHILDREN WOULD BE SPECIAL.

CHAPTER 2

OBSERVATIONAL SURVEY OF SPECIAL PROGRAMS FOR THE MENTALLY RETARDED IN MASSACHUSETTS

Using an observational schedule designed especially for application in special programs for the mentally retarded, a sample of 80 public school (55 educable and 25 trainable), five day care, eight pre-school and ten institutional programs were surveyed by five trained observers and the principal investigator. In keeping with the schedule format, the observers noted the following: (A) Summary Rating of Children in Learning Environment; (B) Details of Observed Lesson and General Learning Environment; (C) Summary Rating of Diagnostic and Placement Procedures and Extent of Consultative and Supervisory Assistance; (D) Summary of Quality of Observed Lesson(s) and Curriculum Emphasis and (E) Per Cent of Daily Distribution of Time. In addition, information about the teachers' training and certification was gathered.

Extensive data compilation and analysis led to the following recommendations:

1. THE CERTIFICATION OF TEACHERS FOR SPECIAL CLASSES AND PROGRAMS FOR MENTALLY RETARDED CHILDREN SHOULD BE ADJUSTED TO REQUIRE COMPONENTS OF TRAINING IN THE TEACHING OF ELEMENTARY EDUCATION LEVEL TOOL SUBJECTS. ADDITIONALLY, TEACHERS EMPLOYED FOR PRE-SCHOOL, TRAINABLE, DAY-CARE AND PRIMARY LEVEL PROGRAMS SHOULD BE EXPOSED TO TRAINING IN CHILD DEVELOPMENT AND BEHAVIOR MODIFICATION TECHNIQUES. EXPANDED COLLEGE LEVEL TEACHER TRAINING PROGRAMS AND SPECIFIC IN-SERVICE RE-EDUCATION PROGRAMS SHOULD BE DEVELOPED FOR TEACHERS CURRENTLY INVOLVED IN PROGRAMS AT VARIOUS LEVELS. INSTITUTIONAL, PRE-SCHOOL AND DAY-CARE EDUCATIONAL PERSONNEL SHOULD BE REQUIRED TO MEET UPGRADED STANDARDS OF CERTIFICATION.

2. IN-SERVICE TRAINING WORKSHOPS SHOULD BE DEVELOPED FOR ADMINISTRATIVE, SUPERVISORY AND ANCILLARY PERSONNEL (IN ALL DEPARTMENTS, E.G., LOCAL EDUCATION AGENCIES, MENTAL HEALTH DEPARTMENT AND INSTITUTIONS) INVOLVED IN THE DECISION MAKING PROCESS IN SPECIAL EDUCATION FOR THE MENTALLY RETARDED. SUCH PROGRAMS

SHOULD BE AIMED AT THE DEVELOPMENT OF NON-SPECIAL CLASS STRATEGIES FOR THE MARGINALLY HANDICAPPED CURRENTLY FOUND IN EDUCABLE CLASSES AND THE PARTIAL INTEGRATION OF THE MODERATELY AND SEVERELY (TRAINABLE) HANDICAPPED.

3. PERSONNEL FUNCTIONING IN THE CAPACITIES OF DIRECTORS, SUPERVISORS AND CONSULTANTS IN SPECIAL EDUCATION SHOULD BE QUALIFIED AND CERTIFIABLE UNDER STANDARDS WHICH INCLUDE ADVANCED PREPARATION FOR SUCH ROLES. THESE STANDARDS SHOULD INCLUDE TEACHING EXPERIENCE WITH HANDICAPPED CHILDREN. DIFFERENTIATION OF ROLES SHOULD BE CONSIDERED, I.E., ADMINISTRATORS VS. CURRICULUM RESOURCE PERSONNEL. Findings in this and other studies indicate that administrators are oftentimes either too busy or not educationally prepared to aid teachers.

4. THE ESTABLISHMENT OF SECONDARY SCHOOL PROGRAMS FOR EDUCATIONALLY HANDICAPPED CHILDREN SHOULD RECEIVE HIGH PRIORITY. VOCATIONAL, WORK-PLACEMENT, AND CONTINUING EDUCATION PROGRAMS SHOULD BE REQUIRED AND MADE AVAILABLE TO ALL ELIGIBLE HIGH SCHOOL AGE AND ADULT HANDICAPPED PERSONS. SECONDARY SCHOOL AND OTHER GENERAL SCHOOL ADMINISTRATORS AND REHABILITATION PERSONNEL SHOULD BE RE-EDUCATED TOWARD A GREATER UNDERSTANDING OF THE NEED FOR AND VALUE OF SUCH PROGRAMS.

5. A MINIMUM FIVE-HOUR SCHOOL DAY SHOULD BE MANDATED FOR ALL RETARDED CHILDREN IN COMMUNITY SCHOOLS, PRE-SCHOOL PROGRAMS, AND INSTITUTIONS.

6. SPECIAL CLASS PROGRAMS FOR TRAINABLE MENTALLY RETARDED CHILDREN SHOULD BE REORGANIZED ON AN INTER-COMMUNITY BASIS TO PROVIDE MORE COMPATIBLE CLASS GROUPINGS AND MORE TEACHER SUPPORTIVE SERVICES. CHILDREN IN STATE INSTITUTIONS SHOULD BE INCLUDED IN THIS REORGANIZATION.

7. THE EFFORTS OF AGENCIES INVOLVED IN THE EDUCATION AND TRAINING OF THE CONGENITALLY, MULTI-HANDICAPPED MENTALLY RETARDED SHOULD BE COORDINATED AND FINANCES SHOULD BE POOLED TO EFFECT MORE DESIRABLE AND STRATEGIC PROGRAM DEVELOPMENT AND EXPANSION. One positive example of a move in this direction is

practiced through regional directorships of mental retardation activities under the Department of Mental Health. Expansion of this concept to embrace or coordinate activities with public school programs for the more severely retarded in communities and institutions should be explored. THE VARIOUS AGENCIES SERVICING THE MARGINALLY AND MODERATELY EDUCATIONALLY RETARDED SHOULD BE COORDINATED.

8. "EDUCABLE" PROGRAMS SHOULD BE DECLARED DIAGNOSTIC TO AVOID LABELING OF CHILDREN SO THAT EDUCATORS AND OTHERS INVOLVED CAN BEGIN TO PROVIDE EXITS FROM STIGMATIZING PROGRAMS, BUT MORE IMPORTANTLY, BEGIN TO CREATE UNDERSTANDING OF THE EDUCATIONALLY HANDICAPPED CHILD HIMSELF--AS A LEARNER AND A PERSON. One of the abhoring subtleties of special education has been the undesirable confusion about children who are products of the poverty syndrome and consistently siphoned off to special classes when other interventions might be considered more fruitful.

CHAPTER 3

THE SOCIAL EXPERIENCES OF NEWLY COMMITTED RETARDED CHILDREN

A group of ten retarded children were observed in-depth during their admission and initial adjustment periods in four Massachusetts state schools. On the basis of the carefully detailed field notes of the participant observer, a typical first day was constructed.

Common elements in the situation, one of dehumanization, were lack of privacy, e.g., overcrowded sleeping and dayroom areas; lack of respect for the child as a human being; absence of adequate and appropriate programming; inflexible routines; and unpleasant physical surroundings. Staff dissatisfaction was also prevalent.

Recommendations are as follows:

1. CONSIDERATION SHOULD BE GIVEN TO DISSOLVING THE STATE SCHOOL MODEL AS A RESIDENTIAL CARE CENTER FOR HUMAN BEINGS. The relatively small number of persons who need continued care should be maintained within the typical service systems of society. This care should be subsidized by the state but not controlled by state agencies as they now exist. These services should be totally integrated into the community and should involve all people who need subsidized living and supervision for periods within their lives. Large groups of stigmatized persons should not be created. A diagnosis of inferiority as a criterion for providing care should not be required. All people who need housing for a particular period in their lives should be given care in as homelike an atmosphere as possible, whether they be older individuals, students, or persons suffering from some handicapping condition besides mental retardation. This would help maintain the retarded within a general service system. Maximum freedom and participation within the basic community structure should be the model.

2. AS AN INTERMEDIATE STEP BETWEEN ABOLISHMENT AND CONTINUATION, SIGNIFICANT STEPS, SUCH AS THE FOLLOWING, MUST BE TAKEN TO INTERVENE IN THE "TOTALNESS" OF THE INSTITUTION.

A. A NORMALIZATION PROCEDURE SHOULD BE INSTITUTED SUCH THAT DAILY LIFE IS STRUCTURED ON A COMMUNITY MODEL WHERE THERE ARE DIVISIONS BETWEEN THE VARIOUS ASPECTS OF THE PERSON'S LIFE. For example, a child should not spend his total day in the same building where he sleeps. Staff who operate daily programs should not also be in charge of residential life.

B. THE PRIORITIES FOR PROGRAMS AND PERSONNEL SHOULD, TO A GREATER DEGREE, BE ORIENTED TOWARD THE MOST SEVERELY RETARDED. In this way, the energies and skills of those persons most interested in mental retardation would be directed toward those with the greatest needs. Training programs should be available for all entering children and should be operated on a public school-type schedule to provide the same daily routine observed in the community.

C. THE PERMANENT ADMISSION PROCEDURE SHOULD BE REPLACED WITH TEMPORARY OR TIME-LIMITED ADMISSION. In the process, dehumanization might decrease and provisions might be made for changes and variability in the person's future life.

D. IN ORDER TO COMBAT A FEELING OF HOPELESSNESS AMONG STAFF IN A WARD FOR PROFOUNDLY RETARDED INDIVIDUALS, SEPARATION OF RESIDENTS INTO AGE GROUPS SHOULD BE INSURED. When one sees a 15 year old boy pacing the floor in a ward with 60 year old men, a feeling of "what is the use" seems to encompass the staff. When the resident passes school age, efforts should be made to change his surroundings, as such change occurs in the lives of other young persons within our society.

E. TO BE CONSIDERED HUMAN WITHIN OUR PRESENT CULTURE DEMANDS THAT AN INDIVIDUAL HAVE PRIVACY, AND THIS MUST BE INSURED. Efficiency of operation should never preclude treating a person as a respectable human being, particularly if normalcy is the goal.

3. TRAINING PROGRAMS FOR INSTITUTIONAL PERSONNEL SHOULD BE DEVISED WHICH STRESS HUMAN VALUES RATHER THAN MANAGEMENT TECHNIQUES. The lack of technical skills does not seem to be the problem. The lack of respect for human dignity and worth is the greatest contributor to dehumanization.

CHAPTER 4

LANGUAGE STIMULATION IN STATE INSTITUTIONS

Concerned specifically with a child's total verbal environment, the investigator observed 32 institutionalized children (ranging in age from 5 years 9 months to 12 years 3 months) in two Massachusetts state schools. There were an equal number of boys and girls and these were further divided into high and low verbal ability groups on the basis of the Reynell Developmental Language Scales. Data were collected using the method of interaction analysis. A record was made, by use of a multiple notation system, of the observed behavior, and the origin and direction of that behavior.

Results disclosed a sterile environment offering little or no stimulation and probably serving as a severe detriment to the child's development. Recommendations focus on attendant training as language stimulation aides.

WHAT IS NEEDED, IT WOULD SEEM, IS A PROGRAM OF TRAINING FOR EACH ATTENDANT THAT IS DESIGNED WITH AN EMPHASIS ON THE NATURE OF VERBAL INTERACTION, AND SPECIFICALLY THEIR ROLE IN VERBAL INTERACTION. FIRST, ATTENDANTS NEED FEEDBACK ABOUT THEIR BEHAVIOR. IN TRAINING PROGRAMS IT IS CRUCIAL TO EMPHASIZE THE IMPORTANCE (I.E., THE SEVERE DEVELOPMENTAL PROBLEMS THAT WILL ACCRUE) OF DEPRIVING CHILDREN OF VERBAL STIMULATION. COMMUNICATION MUST BE REINFORCED AND UNRESPONSIVENESS TO CHILDREN MUST BE ELIMINATED. BY POINTING OUT THE SEQUENCE OF ACTIVITIES AND RECOMMENDING SMALL GROUP ACTIVITIES, PREFERABLY WITH A SINGLE ATTENDANT, SITUATIONS THAT ARE BOUND TO CREATE CONFUSION MAY BE AVOIDED. ATTENDANTS MUST BE PROVIDED WITH THE RESOURCES AND INCENTIVES TO CARRY OUT THESE TASKS.

IT IS RECOMMENDED THAT ITINERANT LANGUAGE STIMULATION AIDES, WHO HAVE BEEN TRAINED IN THE BASIC PROCEDURES OF STIMULATING LANGUAGE AND TRAINING PERCEPTUAL SKILLS, SERVE AS ANCILLARY PERSONNEL. THESE AIDES WOULD WORK

WITH ATTENDANTS AND CHILDREN, SUCH AS DEMONSTRATING WAYS OF STIMULATING PEER INTERACTION. THE AIDES WOULD BE SUPERVISED BY PROFESSIONALS REQUIRED TO HOLD REGULAR IN-SERVICE PROGRAMS, SPECIFICALLY DESIGNED TO PROVIDE FEEDBACK AND TRAINING, DEALING WITH PERCEPTUAL AND REINFORCEMENT OF SOCIAL INTERACTION. THESE PROFESSIONALS WILL ALSO SERVE ON THE ADMISSIONS AND REVIEW BOARD OF THE INSTITUTION THAT IS IN THEIR JURISDICTION.

CHAPTER 5

A SURVEY OF FACILITIES AND SERVICES FOR CHILDREN WITH MULTIPLE SENSORY DISORDERS IN THE COMMONWEALTH OF MASSACHUSETTS

This project was considered especially important at this time due to the increasing number of multi-sensory disordered (MSD) children resulting from the 1963-1965 rubella epidemic. Data were collected in several phases: (1) compilation of a list of all persons and agencies concerned with MSD children; (2) direct contacts, including program observations and interviews, with personnel; (3) contacts with referral agencies to ascertain source and disposition of MSD referrals; (4) contacts with two parent groups and, subsequently, in-depth interviews with two families of MSD children; and (5) a telephone survey in which the investigator, posing as the parent of an MSD child, gathered information to confirm impressions gained from parent interviews. Throughout the project, a pronounced shortage of all aspects of necessary services was evident.

Results, combined with subjective impressions and suggestions from others such as parents and professionals, led to the following recommendations:

1. A CENSUS PROCEDURE SHOULD BE DEVELOPED TO IDENTIFY MSD CHILDREN AT THE EARLIEST POSSIBLE AGE AND FOLLOW THEIR PHYSICAL AND EDUCATIONAL PROGRESS. Such a census procedure for deaf children is being developed at Boston Children's Hospital Medical Center.

2. IN-DEPTH DESCRIPTIONS OF ALL FACILITIES INCLUDING ADMITTANCE REQUIREMENTS AND PROCEDURES, PROGRAM DESCRIPTIONS AND AVAILABILITY SHOULD BE COMPILED. FACILITIES SUCH AS CEREBRAL PALSY CLINICS AND CENTERS FOR RETARDED CHILDREN WHICH ESSENTIALLY SERVE SPECIFIC TYPES OF CHILDREN, SHOULD ALSO BE INCLUDED.

3. EVALUATION, REFERRAL, PLACEMENT, AND FOLLOW-UP PROCEDURES MUST BE COORDINATED SO THAT TREATMENT IS APPROPRIATE TO THE NEEDS OF THE CHILD AND

FAMILY. EVALUATION PROCEDURES COULD BE ENHANCED BY PREPARING VIDEO TAPES OF THE CHILD TO FORWARD TO PROGRAMS AND/OR REFERRAL AGENCIES. THIS, IN CONJUNCTION WITH WRITTEN EVALUATIONS, WOULD BE USED AS NEEDED AND WOULD HELP TO PREVENT FALSE IMPRESSIONS ONE OFTEN GETS FROM WRITTEN EVALUATIONS OF EXTREMELY HANDICAPPED CHILDREN. (See Curtis & Donlon, An Analysis of Evaluation Procedures, Disability Types and Recommended Treatments for 100 Deaf-Blind Children, 1969.)

4. THERE IS A NEED FOR MORE PROGRAMS FOR THE NONEDUCABLE MSD CHILD. THIS SHOULD INCLUDE COMMUNITY BASED PRESCHOOL AND DAY SCHOOL PROGRAMS AND RESIDENTIAL FACILITIES. PROVISION FOR TRANSFER FROM ONE TO THE OTHER SHOULD BE MADE.

5. PROGRAMS MUST BE DEVELOPED FOR BOTH EDUCABLE AND NONEDUCABLE CHILDREN AND SHOULD INCLUDE SENSORY TRAINING USING SPECIALIZED EQUIPMENT AND TECHNIQUES APPROPRIATE FOR THE SENSORY HANDICAPPED CHILD. THE PHYSICAL PLANT SHOULD BE UTILIZED IN ACCORDANCE WITH THE DISABILITIES PRESENTED. STAFF AT ALL LEVELS SHOULD BE SUITABLY TRAINED IN THE CARE AND TREATMENT OF THE CHILD.

6. COMPLETE COUNSELING SERVICES MUST BE PROVIDED FOR THE FAMILY. THIS SHOULD INCLUDE INFORMATION ABOUT POSSIBLE FINANCIAL AID, PROGRAM AVAILABILITY AND SUPPORTIVE THERAPY. FAMILIES SHOULD ALSO HAVE ACCESS TO LEGAL CONSULTANTS TO OBTAIN INFORMATION ABOUT BOTH STATE AND FEDERAL LAWS.

7. CLEAR GUIDELINES MUST BE ESTABLISHED BY THE COMMONWEALTH FOR THE PROVISION OF BOTH LONG TERM AND EMERGENCY FINANCIAL ASSISTANCE.

8. AN EVALUATION OF ALL FACILITIES, BOTH IN AND OUT OF STATE, APPEARS NEEDED.

9. A SMALL TEAM OF RESOURCE PERSONNEL, WHICH MIGHT BE CALLED AN ACTION ORIENTED MULTI-SERVICE TEAM, MIGHT HELP TO ALLEVIATE MANY OF THE PROBLEMS FACED BY PARENTS. They would be in direct contact with key agencies, such as medical facilities and schools, and key personnel, such as legal, psychological and educational counselors, and would obtain, rather than directly provide, services. Up to date methods of information storage and retrieval would insure efficiency and accuracy in their service.

The following, to be retrieved as needed, would be stored in a data bank: descriptions of programs, stressing their function, and including cost, enrollment, waiting list, etc.; information about successful and unsuccessful placements; legal information; financial information, including the availability of endowments; and educational reports. The multi-faceted aspect of this team is critical, not only because this represents an "extreme" group of children, but no one person can handle the problems alone.

CHAPTER 6

SCHOOL-AGE CHILDREN NOT IN SCHOOL

This project focused on children excluded from education, training and/or treatment programs. Contrary to expectations, a population consisting entirely of children with severe handicaps was not found; instead, many children observed were "normal" having been excluded for stated reasons such as "aggressive behavior," "truancy," inadequate diagnosis, and other very nebulous excuses.

Forty-two representative cases were personally interviewed, as were parents and school and agency personnel. To confirm the hypothesis that many of these excluded children would respond positively, given an approproate program and concerned staff, a summer camp experience was provided; results were indeed encouraging.

Clear trends and, thus, recommendations emerged from the data.

MORE ADEQUATE TRAINING IN THE AREAS OF PSYCHOLOGICAL TESTING AND INTERPRETATION AND COUNSELING PROCEDURES SHOULD BE REQUIRED OF SCHOOL GUIDANCE AND PSYCHOLOGICAL PERSONNEL. THEIR ROLE IN COMMUNICATING INFORMATION TO TEACHERS MUST BE EMPHASIZED. TEACHER TRAINING AND/OR IN-SERVICE PROGRAMS SHOULD INCLUDE INSTRUCTION IN AWARENESS OF PROBLEM AND POTENTIAL PROBLEM AREAS, IN THE APPROPRIATE USE OF TEST RESULTS, IN THE ACCEPTANCE OF ATYPICAL BEHAVIOR AND FLEXIBILITY IN PROGRAM PLANNING. INTERSTAFF COMMUNICATION AND COOPERATION IS ESSENTIAL.

IT IS ESSENTIAL THAT THE COMMUNITY, INCLUDING PARENTS, PUBLIC AND PRIVATE AGENCIES, AND THE SCHOOL SYSTEM TAKE MORE RESPONSIBILITY IN DEALING WITH EXCLUDED OR EXEMPTED CHILDREN. RESPONSIBILITY IMPLIES COOPERATION BETWEEN THESE AGENTS, AND OFTEN THE DEVELOPMENT OF OTHER APPROPRIATE PROGRAMS, I.E., DAY CARE CENTERS, VOCATIONAL TRAINING CENTERS, YEAR ROUND RECREATION PROGRAMS. IT FOLLOWS THAT THE SCHOOL SYSTEM SHOULD NOT HAVE THE SOLE POWER TO EXCLUDE A CHILD FROM ANY PROGRAM.

FINALLY, IT WAS OBVIOUS THAT THERE ARE CHILDREN WHO DO NOT FIT INTO A SPECIFIC CATEGORY OR AN AGENCY'S CRITERIA FOR SERVICES; THEREFORE, MANY CHILDREN ARE NOT ACCOMMODATED BY THE SYSTEM. IT IS RECOMMENDED THAT A VEHICLE BE PROVIDED TO INSURE ADEQUATE EDUCATIONAL AND/OR TREATMENT PROVISIONS FOR EVERY CHILD.

CHAPTER 7

ANALYSIS OF MASSACHUSETTS' STATUTES REGARDING CHILDREN WITH SPECIAL NEEDS

Although it is true that legislative reform alone cannot assure the effective delivery of services to children with special needs, it must be recognized that comprehensive review and revision of all relevant statutes can eliminate inconsistent and discriminatory ones and the obsolete social values which are embedded in them. The purpose of this analysis is to lay the groundwork for such revision. Analysis and recommendations were derived from a number of sources: (1) complete review of existing Commonwealth legislation and comparison with statutes of other states; (2) interviews with administrators, teachers, legislators, attorneys, parents and many others concerned with the provision of services to children with special needs; (3) review of previous Commonwealth studies; and (4) review of projects completed for present MACE study.

Areas found to be of major concern will be listed below, along with pertinent recommendations.

A. Labeling of Children

1. LABELS SHOULD BE REMOVED FROM THE STATUTES AND RESPONSIBILITY FOR DEFINING ELIGIBILITY FOR SERVICES SHOULD REST EXCLUSIVELY IN THE AUTHORIZED STATE AGENCIES. THESE STATE AGENCIES SHOULD DEVELOP A METHOD OF DEFINING THE SPECIAL NEEDS OF CHILDREN WHICH WILL EMPAHSIZE EACH CHILD'S DEVELOPMENTAL POTENTIALS RATHER THAN HIS "DEVIANCY." (See also Chapters 1, 2, 5 and 6.)

B. Services and Funding

2. THE STATUTES SHOULD BE REVISED AND AUGMENTED TO ACHIEVE THE FOLLOWING:

a. A COMPREHENSIVE AND FLEXIBLE SYSTEM OF SERVICES AND PROGRAMS TO ASSURE THAT ONE CHILD IS NOT FAVORED OVER ANOTHER AND THAT EACH CITY OR TOWN

CAN PROVIDE A FULL RANGE OF SERVICES FOR ITS CHILDREN WITH SPECIAL NEEDS. (See also Chapters 3, 4, 5, and 6.)

b. A UNIFORM SYSTEM OF MANDATORY SERVICES FOR ALL CHILDREN WITH SPECIAL NEEDS TO ASSURE THAT THE CITY OR TOWN IS RESPONSIBLE FOR EACH CHILD AND THAT NO CHILD WILL FALL INTO THE GAPS CREATED BY ADMISSION AND EXCLUSION POLICIES. (See also Chapters 5 and 6.)

c. A UNIFORM AND RATIONAL SYSTEM OF FUNDING WHICH DOES NOT UNFAIRLY DISCRIMINATE AGAINST ANY CHILD WITH SPECIAL NEEDS.

d. A SYSTEM OF BOTH PROGRAM AND CAPITAL (CONSTRUCTION) FUNDING WHICH PROVIDES INCENTIVES TO CITIES AND TOWNS TO PLACE CHILDREN IN DAY SCHOOL PROGRAMS WITHIN THE COMMUNITY IN WHICH THE CHILD RESIDES. (See also Chapter 3.)

e. A SYSTEM OF FUNDING WHICH PROVIDES INCENTIVES FOR COMMUNITIES TO DEVELOP PROGRAMS WHICH ARE VIABLE ALTERNATIVES TO INSTITUTIONALIZATION. (See also Chapters 3, 4, and 5.)

f. A FUNDING SYSTEM WHICH IS EQUALIZING IN EFFECT SO THAT LESS AFFLUENT COMMUNITIES WILL RECEIVE MORE ASSISTANCE THAN WEALTHIER COMMUNITIES.

g. A FUNDING SYSTEM WHICH WILL ENABLE LESS AFFLUENT COMMUNITIES TO INITIATE NEW PROGRAMS.

h. A FUNDING SYSTEM WHICH PROVIDES INCENTIVES FOR JOINT PROGRAMS BETWEEN COMMUNITIES WHICH ARE TOO SMALL TO SUPPORT THEIR OWN PROGRAMS. (See also Chapters 2 and 5.)

i. A FUNDING SYSTEM WHICH PROVIDES INCENTIVES FOR A FULL RANGE OF PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS WHO ARE NOT OF COMPULSORY SCHOOL AGE, I.E., CHILDREN WHO ARE CHRONOLOGICALLY PRE-SCHOOL OR ABOVE 16. (See also Chapters 1, 5, and 6.)

j. A FUNDING SYSTEM WHICH DOES NOT GIVE PAY DIFFERENTIALS TO TEACHERS SOLELY BECAUSE THEY TEACH CHILDREN WITH SPECIAL NEEDS.

3. THE INSTITUTIONAL PROGRAMS NOW ADMINISTERED BY THE HUMAN SERVICES AGENCIES SHOULD EACH HAVE A HIGH QUALITY EDUCATIONAL AND TRAINING PROGRAM DESIGNED TO MAXIMIZE EACH CHILD'S INTELLECTUAL AND OVER-ALL PERSONALITY DEVELOPMENT. UNTIL MAJOR LEGISLATIVE REFORMS ARE ENACTED, THESE EDUCATIONAL AND TRAINING PROGRAMS SHOULD BE PLACED UNDER THE EXCLUSIVE JURISDICTION OF THE DEPARTMENT OF EDUCATION'S DIVISION OF SPECIAL EDUCATION OR SHOULD BE JOINTLY ADMINISTERED BY THE DIVISION OF SPECIAL EDUCATION AND THE INVOLVED HUMAN SERVICES AGENCIES. (See also Chapters 2, 3, 4, and 5.)

4. THE SERVICES OF THE DEPARTMENT OF EDUCATION'S DIVISION OF SPECIAL EDUCATION SHOULD BE COORDINATED WITH THOSE OF THE HUMAN SERVICES AGENCIES SO THAT COMPREHENSIVE INTERDISCIPLINARY SERVICES (E.G. EDUCATIONAL, PSYCHOLOGICAL AND PHYSICAL HEALTH) ARE AVAILABLE IN THE PUBLIC SCHOOLS, INSTITUTIONS OR OTHER SETTINGS IN WHICH CHILDREN WITH SPECIAL NEEDS ARE PLACED. (See also Chapter 1.)

5. INSTITUTIONALIZATION OF CHILDREN SHOULD BE DISCOURAGED. INSTEAD, THE DEVELOPMENT OF COMMUNITY BASED PROGRAMS PROVIDING FOR THE MAXIMUM FEASIBLE INTEGRATION OF CHILDREN WITH SPECIAL NEEDS INTO REGULAR SCHOOL PROGRAMS SHOULD BE ENCOURAGED. (See also Chapters 2, 3, 4, and 5.)

C. Provisions for Multiply Handicapped Children

6. GREATER STATUTORY RECOGNITION SHOULD BE GIVEN TO CHILDREN WITH MULTIPLE DISABILITIES SO THAT THE SERVICES PROVIDED REFLECT THE CHILD'S TOTAL NEEDS. (See also Chapters 3, 4, and 5.)

D. Misclassification or Lack of Procedural Due Process

7. A COMPREHENSIVE DUE PROCESS PROCEDURE PURSUANT TO WHICH PARENTS ARE GIVEN PRIOR NOTICE OF PLACEMENT INTO A SPECIAL PROGRAM AND A PRE-PLACEMENT AND POST-PLACEMENT OPPORTUNITY FOR A HEARING BEFORE THE SCHOOL COMMITTEE. UNTIL MAJOR LEGISLATIVE REFORM IS ENACTED, REVIEW OF SUCH A HEARING SHOULD BE CARRIED OUT BY A DESIGNATED STATE AGENCY, POSSIBLY THE DEPARTMENT OF

EDUCATION'S DIVISION OF SPECIAL EDUCATION IF IT WERE TO BE SUBSTANTIALLY STRENGTHENED. UNTIL SUCH A STRONG STATE AGENCY EXISTS, HOWEVER, REVIEW WILL HAVE TO BE BY A JUDICIAL TRIBUNAL. (See also Chapters 1 and 6.)

E. Certification Standards for Persons Administering Services to Children with Special Needs

8. MORE FLEXIBLE TEACHER CERTIFICATION STANDARDS TO ENCOURAGE PROGRAMS AT THE UNIVERSITY LEVEL WHICH EMPHASIZE ALL ASPECTS OF A CHILD'S NEEDS, RATHER THAN A SINGLE DISABILITY, AND WHICH PLACE GREATER EMPHASIS ON THE COMMON NEEDS OF ALL CHILDREN, REGARDLESS OF SPECIAL NEEDS. SPECIAL EDUCATION TEACHERS, FOR EXAMPLE, WOULD BE REQUIRED TO BE INFORMED ABOUT THE PHYSICAL, PSYCHOLOGICAL, INTELLECTUAL, ENVIRONMENTAL AND OTHER FACTORS WHICH ARE RELEVANT TO THE DEVELOPMENT OF ALL CHILDREN, INCLUDING THOSE WITH SPECIAL NEEDS.

9. MORE FLEXIBLE TEACHER CERTIFICATION STANDARDS TO ENCOURAGE THE USE OF PARAPROFESSIONALS AT DIFFERENT LEVELS OF RESPONSIBILITY AND REQUIRED SKILLS.

10. MORE FLEXIBLE TEACHER CERTIFICATION STANDARDS TO ENCOURAGE THE GREATER USE OF CLINICAL PROGRAMS AT THE UNIVERSITY LEVEL.

11. NEW STANDARDS FOR TRAINING AND CERTIFICATION OF PERSONNEL RESPONSIBLE FOR DIAGNOSTIC EVALUATIONS OF CHILDREN WITH SPECIAL NEEDS.

F. Parental Involvement

12. PARENT ADVISORY COUNCILS, COMPOSED PRIMARILY (BUT NOT EXCLUSIVELY) OF PARENTS OF CHILDREN WITH SPECIAL NEEDS, SHOULD BE ESTABLISHED IN EVERY PUBLIC SCHOOL AND INSTITUTION WITH SPECIAL PROGRAMS FOR SUCH CHILDREN. SUCH COUNCILS SHOULD HAVE SUFFICIENT ACCESS TO INFORMATION AND SUFFICIENT TECHNICAL AND FINANCIAL ASSISTANCE TO MAKE THEM EFFECTIVE AND MEANINGFUL BODIES. (See also Chapters 1, 5 and 6.)

G. State Agency with Sufficient "Outreach"

13. THE SECRETARIES OF THE EXECUTIVE OFFICES OF HUMAN SERVICES AND EDUCATIONAL AFFAIRS SHOULD REVIEW THE ALTERNATIVE WAYS OF ESTABLISHING A DEPARTMENT, AGENCY OR BODY WITH REGIONAL AND AREA "OUTREACH," TO PROVIDE

COMPREHENSIVE AND TOTAL SERVICES TO CHILDREN WITH SPECIAL NEEDS IN ALL SETTINGS INCLUDING PUBLIC SCHOOLS AND INSTITUTIONS. SAID NEW DEPARTMENT, AGENCY OR BODY WOULD BE CHILD ORIENTED, RATHER THAN DISABILITY ORIENTED.

14. WITHIN A REASONABLE PERIOD OF TIME, EITHER THROUGH THE EFFORTS OF THE TWO SECRETARIES OF THE EXECUTIVE OFFICES OF HUMAN SERVICES AND EDUCATIONAL AFFAIRS OR THROUGH ACTION OF THE GREAT AND GENERAL COURT, ONE OF THE FOLLOWING ALTERNATIVES SHOULD BE IMPLEMENTED:

a. A NEW DEPARTMENT OF CHILD DEVELOPMENT WITHIN EITHER THE EXECUTIVE OFFICE OF HUMAN SERVICES OR EDUCATIONAL AFFAIRS;

b. A DEPARTMENT OF CHILD DEVELOPMENT UNDER THE JOINT ADMINISTRATION OF THE SECRETARIES OF THE EXECUTIVE OFFICES OF HUMAN SERVICES AND EDUCATIONAL AFFAIRS.

PART II

RECOMMENDED LEGISLATIVE REFORM

INTRODUCTION

Well meaning, concerned, humanistic people may be tempted to turn away from the challenge presented by the data and conclusions of this report. The temptation is to view each difficulty, each layer of ambiguity and confusion heaped upon the years of neglect and unconcern as evidence that little has been accomplished and that the past is a reflection of the future. On behalf of those who have no opportunity to advocate for themselves, we must move ahead in a meaningful and effective manner.

When one is forced to review the data in this report, can he deny that we have shamefully labeled and stigmatized children (and their families)? Ironically, and to our dispair, the labels have each led to the embodiment of prejudice rather than better programs. We have learned that labeling "for no purpose" does little more than manufacture outcasts. Now, we must learn how to delabel, how to remove from statutes the stigma of once moral and humanistic, but now pejorative and harmful, terms. We must learn how to guarantee fair and comparable programs and services for <u>all</u> children, including those with special needs! We must develop more uniform funding principles, more viable incentives for accomplishing humanistic objectives, and firmer guarantees. Those who are least able to support programs for children with special needs must be recognized and considered by authors of legislative programs and by those who make decisions for implementation. We must find ways for children to remain at home with their families rather than being placed in institutional settings, and for <u>all</u> children, regardless of age or economic circumstance, to be guaranteed the education, training, and/or treatment that each requires to realize his potential. We must discover systems of interagency communication, for coordination of services on behalf of all children, and for effectively utilizing the scarce resources available in the Commonwealth. Possibly, for

the first time in the history of this, or any other, society we have an opportunity to design an administrative, programmatic and humanistic system that will guarantee each child (and his family): (1) an adequate and helpful assessment of his needs, (2) an assessment based on potential rather than on deviancy and pathology, and (3) procedures for "due process" that are embedded not only in law, but in the moral convictions of those who uphold the law. We must recognize that public servants and agencies must be held accountable. We must guarantee to each citizen the eventual creation and support of an agency to serve all children with special needs.

It is realized that the mere passage of legislation is not necessarily beneficial to mankind or even helpful to particular individuals--even those for whom the legislation is intended. Legislation, more information about the problem, and even new funds or other additional resources will not guarantee the elimination of suffering; it will not guarantee the end of discrimination and victimization of the handicapped and disadvantaged. But outmoded, inconsistent and discriminatory statutes can prevent even the best qualified people from being effective; unless such statutes are periodically updated and revised, they will have the equally negative effect of perpetuating obsolete societal values. The legislative analysis has shown us that comprehensive reform of Massachusetts statutes regulating services for children with special needs is long overdue. Such reform can offer us a new beginning.

The legislative recommendations that follow, to be sure prototypic, are grounded in data collected and analyzed during this study. Other studies conducted in recent years confirm and add evidence and testimony to the need for a "child development" approach to serving all children with special needs. For those who have read the evidence reported here, there can be little doubt that, at the very least, serious consideration must be given to the legislative recommendations that follow. They represent the synthesis of many experiences

and the beliefs, as well as compromise, of colleagues who have brought their varied perspectives and orientations to a common mission. As with Goethe, we have collected and used everything that we have observed and heard. We have drawn upon the works of our predecessors as well as our contemporaries. The scholar and the institutional resident, wise men and those believed to be incompetent have each contributed their share. Although the whole will carry the name of two or three investigators, or of an official commission, the total effort is a product of many forces and people.

The following draft statutes represent major legislative recommendations of the study. The drafts in Part I are each designed to be enacted independently of the others; e.g., full reimbursement for all special education programs could be enacted without necessary enactment of any of the other drafts. In the case of Draft III, however, which concerns the removal of categorical labels from the statutes, it is immediately apparent that if labels are discarded, statutory differences in both funding and programs must also be discarded since there is no longer any statutory basis for distinguishing between children with different needs. Such distinctions would be made by the regulations, directives and policies of a state agency such as the Division of Special Education, if Draft III were to be enacted. It is also important to note that in order for the removal of labels to be complete, such labels would ultimately have to be removed from children under the jurisdiction of the Departments of Mental Health and Public Health, as well as other state agencies which rely on the labels for purposes of determining eligibility for services. Draft IV aims to accomplish this by placing institutionalized children under the joint jurisdiction of the Department of Education and the department which has control over the particular institution involved, thus enabling them to expand the "special needs" concept which has been applied to the public schools by Draft III.

It is immediately apparent that the passage of Drafts I, II, III and IV would necessitate a strong state agency, such as a greatly strengthened and regionalized Division of Special Education, to undertake the large administrative load which would be created. Thus, Draft VIII is presented as potential legislation which must be enacted if any other comprehensive reform is being considered, particularly the removel of labels (Draft III) or the provision of uniform programs (Draft II).

Draft VI (due process procedures) is formulated with a court appeal as the ultimate remedy. This is due to the absence of any state agency strong enough to handle appeals administratively. Draft VII, providing for parent advisory groups, is a necessary component of any program, both for purposes of assuring accountability and for enabling parents to understand and be involved in the services provided for their children.

An effort was made to indicate the existing sections of the general laws which would have to be amended or repealed if any of the drafts were to become law. This has not been meant to be exhaustive and there are, undoubtedly, other minor amendments which would have to be considered.

Part II, the Child Development Model, encompasses in total form, all of the legislative recommendations of the study. It should be looked upon as a model which need not necessarily take the form of a department. Thus, no effort was made to place it into the general laws or to indicate the sections of the general laws which would have to be amended or repealed if the model were enacted. Some idea of this, however, may be derived from Drafts I through VIII of Part I, all of which are embodied in the Child Development model. In addition, the implications of this model with respect to the recent reorganization of state government will have to be explored by the new secretaries and the Office of Planning and Program Coordination.

PART I

I. AN ACT RELATIVE TO FULL REIMBURSEMENT FOR SPECIAL EDUCATION PROGRAMS.

Section 1. Chapter sixty-nine of the general laws is hereby amended by striking out the first sentence of section twenty-nine B, as most recently amended, and inserting in place thereof the following:

Section 29B. One hundred per cent of the costs of instruction, training and support, including the cost of special education personnel, materials and equipment, tuition, transportation, rent and consultant services, of the children in the special classes, instruction periods or other programs provided under sections twenty-nine and thirty-two of this Chapter and sections forty-six, forty-six A, forty-six H, forty-six J and forty-six K of Chapter seventy-one, in excess of the average per pupil cost in the city, town, superintendency union or regional school district providing such services, shall be reimbursed to such cities, towns, unions or districts by the Commonwealth from the local aid fund. Such reimbursement shall be made only after approval and certification by the Department that funds for such special education personnel, materials and equipment, tuition, transportation, rent and consultant services were actually expended and that such special education classes, instruction periods and other programs have met the standards and requirements prescribed by the Department.

Section 2. Chapter sixty-nine of the general laws is hereby amended by striking out the second and third sentences of section twenty nine D, as most recently amended, and inserting in place thereof the following:

Such programs shall be under the direction and approval of the Division of Special Education, and the Department shall reimburse said cities and towns by paying to them the cost thereof, including transportation of such persons to and from the site of such program on each day it is held. The Department shall also reimburse a city or town in which such persons are

residents, by paying to them the cost of transportation for attending recreation programs at the Walter E. Fernald State School, the Wrentham State School, the Paul A. Dever State School, and the Belchertown State School.

Section 3. Chapter seventy-one of the general laws is hereby amended by striking out the second sentence of section forty-six B, as most recently amended, and inserting in place thereof the following:

The city or town providing transportation under this section shall be reimbursed according to the provisions of section twenty-nine B of chapter sixty-nine.

Section 4. Section forty-six F of chapter seventy-one of the general laws is hereby repealed.

II. AN ACT ESTABLISHING UNIFORM PROGRAM OPPORTUNITIES FOR ALL SPECIAL EDUCATION DISABILITY CATEGORIES.

Section 1. Chapter sixty-nine of the general laws is hereby amended by adding after section twenty-nine E the following new section:

Section 29F. Special Education Programs

a) The purpose of this section is to provide a flexible and uniform system of special education program opportunities for all children requiring special education. This section recognizes that the past development of such programs has resulted in a great variation of services among the different categories of children, thus enabling some children to have a greater educational opportunity than other children in less favored categories. This section seeks to remedy this past inadequacy and inequity by providing the opportunity for a full range of special education programs for each category of children requiring special education.

b) Children receiving special education pursuant to the provisions of sections twenty-six, twenty-eight, twenty-nine, twenty-nine E, thirty-two and thirty-three of chapter sixty-nine and sections forty-six, forty-six A,

forty-six H, forty-six J and forty-six K of chapter seventy-one shall be entitled, in accordance with the regulations of the Department of Education, promulgated in cooperation with the Departments of Mental Health, Public Health and Welfare, to participate in any of the following programs:

(1) special attention given in, or in conjunction with, a regular classroom program;

(2) supplementary teaching or treatment in conjunction with a regular classroom program;

(3) part-time special class teaching or treatment in conjunction with a regular classroom program;

(4) full-time special class teaching or treatment in a regular school building;

(5) teaching or treatment at home;

(6) full-time teaching or treatment in a special day school or other day facility;

(7) teaching or treatment at a hospital;

(8) teaching or treatment at a short or long term residential school.

c) Children eligible for special education programs pursuant to existing provisions in the general laws shall remain eligible for such programs and for such additional programs, listed in paragraph (b) of this section, for which they are not presently eligible under such existing provisions in the general laws.

Section 2. Chapter sixty-nine of the general laws is hereby amended by striking the first sentence of section twenty-nine B, as most recently amended, and inserting in place thereof the following:

Section 29B. One half of the cost of the expenses of the instruction, training and support of the children in special classes or special instruction periods provided under section forty-six, forty-six A, forty-six H, forty-six K and forty-six L of chapter seventy-one, sections twenty-nine and thirty-two of this chapter, and in the programs provided by items one, two, three,

four and five of paragraph (b) of section twenty-nine F of this chapter, actually rendered or furnished, including their necessary traveling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefore, shall be reimbursed to the towns or any regional school district by the Commonwealth upon approval of the Department and certification by it that such classes or special instruction periods meet the standards and requirements prescribed by it.

Section 3. Chapter sixty-nine of the general laws is hereby amended by adding after section twenty-nine F the followi new section:

Section 29G. The Department of Education, jointly with the Departments of Mental Health, Public Health and Welfare, shall provide for the direct payment or reimbursement of the costs of instruction, training and support of the children in the programs provided by items six, seven and eight of paragraph (b) of section twenty-nine F of this chapter.

III. AN ACT RELATIVE TO REPLACING FORMER SPECIAL EDUCATION DISABILITY CATEGORIES WITH A SINGLE DESCRIPTIVE PHRASE.

Section 1. Chapter seventy-one of the general laws is hereby amended by striking section forty-six and inserting in place thereof the following new section:

Section 46. Children with Special Needs

a) The purpose of this section is to provide a flexible and non-discriminatory system for identifying children who require special education. This section recognizes that past methods of labeling and defining the needs of such children have had a stigmatizing effect and have caused special education programs to be overly narrow and rigid, both in their content and their inclusion and exclusion policies. This section is designed to remedy these past inadequacies by defining the needs of children requiring special education in a broad and flexible manner, leaving it to state agencies to provide more detailed

definitions which recognize that such children have a variety of characteristics and needs, all of which must be considered if the educational potential of each such child is to be realized.

b) Whenever used in this section:

(1) "department" means Department of Education;

(2) "school age child" means any person who has attained the age at which he is required by law to attend school, but who has not attained the age at which such legal requirement terminates;

(3) "school age child with special needs" means a school age child who, because of temporary or more permanent adjustment difficulties arising from intellectual, sensory, emotional, physical or perceptual factors or any combination thereof, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his educational potential; the term "special needs" shall be further defined by the Department, jointly with the Departments of Mental Health and Public Health, provided, however, that such further definition shall emphasize a thorough narrative description of each child's developmental potential so as to minimize the possibility of stigmatization and to assure the maximum possible development of a child with special needs. In addition, such further definition shall be sufficiently flexible to include children with multiple special needs;

(4) "special education" means special classes, programs or services designed to develop the educational potential of children with special needs in accordance with the regulations of the Department;

(5) "school age child requiring special education" means any child with special needs who is certified by the Department as requiring special education.

c) In accordance with the regulations, guidelines and directives of the Department and with its assistance, the school committee of every school district shall identify the children resident therein who have special needs, diagnose the needs of such children, propose a special education program to meet those needs, provide or arrange for the provision of such special education program, maintain a record of such identification, diagnosis, proposal and program actually provided and make such reports as the Department

may require. No school age child with special needs shall be excluded or exempted from school without the prior written approval of the Department.

d) To meet its obligations under this section, the school committee of any school district may enter into an agreement with any other school committee to jointly provide special education or, subject to the consent of the parent or guardian affected thereby and subject to constitutional limitations, may enter into an agreement with any public or private school, agency, or institution to provide the necessary special education. The Department shall define by regulation, the circumstances in which it shall be directly responsible for the placement of children in special education programs, and it is hereby authorized, with the consent of the Governor, and subject to the consent of the parent or guardian affected thereby, to make such placements.

e) Any school committee which provides or arranges for the provision of special education pursuant to the provisions of this section shall pay for such special education personnel, materials and equipment, tuition, room and board, transportation, rent and consultant services as are necessary for the provision of such special education. The Department may directly pay for certain of such items in cases where it makes a direct placement of a child into a special education program or other cases which shall be defined in its regulations. The Department shall also promulgate joint regulations with the Departments of Mental Health and Public Health, defining the circumstances in which such departments of Mental Health and Public Health shall bear all or part of the cost of the special education programs for children under their supervision and control and in which school committees shall be required to pay for special education for such children. The Department, in consultation with the Departments of Mental Health and Public Health, shall define the circumstances in which a parent or guardian may be required to reimburse the Commonwealth for special education provided pursuant to this section.

f) The Department, in consultation with the Departments of Mental Health and Public Health, shall define the circumstances in which school committees may be required to provide special classes, instruction periods or other special education programs for school age children with special needs and shall provide standards for class size, curriculum, personnel and other aspects of special education for such children.

g) This act shall be effective as of September 1, 1973.

Section 2. Chapter sixty-nine of the general laws is hereby amended by striking out the first sentence of section twenty-nine B, as most recently amended, and inserting in place thereof the following:

Section 29B. One hundred per cent of the costs of special education provided under section forty-six of chapter seventy-one, in excess of the average per pupil cost in the city, town, superintendency union or regional school district providing such special education, shall be reimbursed to such cities, towns, unions or districts by the Commonwealth from the local aid fund. Such reimbursement shall be made only after approval and certification by the Department that funds for such special education were actually expended and that such special education has met the standards and requirements prescribed by the Department.

Section 3. Sections twenty-six, twenty-eight, twenty-nine, twenty-nine E, thirty-two and thirty-three of chapter sixty-nine and sections forty-six A, forty-six H, forty-six I, forty-six J and forty-six K of chapter seventy-one are hereby repealed.

(Note: This act, as presently drafted, applies to school age children, but could easily be redrafted to include pre- and post-school age children.)

IV. AN ACT RELATIVE TO THE FORMATION AND EXPANSION OF SCHOOL DEPARTMENTS IN STATE INSTITUTIONS.

Section 1. Chapter seventy-one of the general laws is hereby amended by adding after section forty-six M the following new section:

Section 46N. The Department of Education, jointly with the department which has control over the particular institution involved, shall establish, maintain, direct and supervise school departments for children and youth in institutions, now under the administration of the Departments of Mental Health and Public Health, which provide support and care for resident mentally retarded, emotionally disturbed, physically handicapped, learning impaired, or multiply handicapped children and youth. Each such school department shall be administered by a director of education and training and shall have such staff as the Department of Education, jointly with the Department of Mental Health or Public Health, depending on the institution which is involved, deem appropriate. Such school departments shall operate pursuant to regulations and standards established jointly by the Department of Education and the department which has control over the particular institution which is involved.

The Department of Education shall assume the total costs of all aspects of the educational programs in such school departments. The vacations, sick leave, tenure and retirement benefits of personnel employed by a school department shall be equivalent to those of public school personnel. In addition, the salaries of personnel in such school departments shall be equivalent to or at a higher level than the average statewide public school salaries for comparable personnel employed in the public schools, with full consideration for educational preparation, time in grade, and similar criteria.

V. AN ACT PROVIDING REIMBURSEMENT TO CITIES AND TOWNS FOR THE COSTS OF EDUCATING INSTITUTIONALIZED CHILDREN.

Section 1. Section eleven of chapter seventy-six is hereby amended by striking out said section and substituting in place thereof the following:

Section 11. Any city or town which provides instruction to any child who is a resident of an institution or a ward of the state and who was not theretofore a resident of such city or town, may recover from the Commonwealth the school expense incurred by reason of the school attendance of such child to be determined jointly by the school committee of such city or town and the Department of Education or, in case of their disagreement, by the probate court. The amount recoverable by a city or town under this section shall be limited to the annual per pupil cost of education as determined under section seven of this chapter and no costs shall be reimbursed under this section which are reimbursable under section twenty-nine B of chapter sixty-nine.

VI. AN ACT ESTABLISHING PROCEDURES FOR THE PLACEMENT OF CHILDREN INTO SPECIAL CLASSES OR OTHER PROGRAMS FOR THE MENTALLY RETARDED AND EMOTIONALLY DISTURBED.

Section 1. Chapter seventy-one of the general laws is hereby amended by striking the entire section forty-six D and inserting in place thereof the following:

Section 46D. Within five days after the referral of a child enrolled in a regular school program by a teacher or other person for purposes of determining whether such child is mentally retarded or emotionally disturbed the school committee of the city or town where such child resides shall notify the parent or guardian of such child by certified mail, that such referral has been made. Such notification shall include a statement advising such parent or guardian of the right to consult, with or without counsel, at

the discretion of such parent or guardian, with one or more representatives of the school committee, including the teacher or other person who has referred the child. Such consultation shall be held promptly after a request by such parent or guardian and shall be for the purpose of explaining the basis for the referral, the procedures involved in making a final determination of the child's placement, the specific nature of the courses and activities offered in a special class or program and the possible future placements of a child following termination of his placement in a special class or other program.

If, within ten days after such consultation, said parent or guardian believes that an improper referral has been made, he may file a written objection with the school committee. The filing of such written objection shall stay a final determination regarding placement until the parent or guardian has a reasonable opportunity (not to exceed sixty days from the filing of the objection) to present evidence in opposition to such placement. The school committee shall consider such evidence prior to making a final determination regarding such placement.

If, after objection by a parent or guardian, the school committee nevertheless decides to place the child into a special class or other program for the mentally retarded or emotionally disturbed, said school committee shall issue a written decision explaining the basis for such placement. A copy of such written decision shall be sent forthwith, by certified mail, to the student and his parent or guardian. Included with such copy shall be a notification of a right of review pursuant to the provisions of this section, and an explanation of the procedures required for seeking such review.

Within ten days after receipt of such copy of the written decision of the school committee, the child and his parent or guardian may bring a petition into the district or municipal court within the judicial district in which such child and his parent or guardian reside or in which such child last attended school,

addressed to the justice of the court, praying that the decision of the school committee placing such child into a special class or other program for the mentally retarded or emotionally disturbed, be reviewed by the court. Such child and his parent or guardian shall mail a copy of such petition to the school committee and such mailing shall constitute notice to the school committee of the pendancy of the petition. Such court shall promptly schedule a de novo hearing to determine whether or not such decision was justified. If the court finds that such decision was justified, the decision shall be affirmed; otherwise, it shall be reversed and the child shall be placed in a regular school program with such tutorial assistance necessary to enable him to compensate for the period of time when he was not in such regular school program. Pending its final decision, the court may order any temporary relief which it deems in the interest of justice.

After a child has been placed in a special class or other program for the mentally retarded or emotionally disturbed, the parent or guardian of such child may object to such placement by the same procedures established by this section for objecting to an initial referral provided, however, that such objection shall be initiated by a complaint to the school committee and that after an initial post-placement objection, no subsequent objections may be made until a period of at least nine months has elapsed since the time of the final decision regarding the prior objection.

VII. AN ACT PROVIDING FOR THE ESTABLISHMENT OF SPECIAL EDUCATION ADVISORY GROUPS.

The school committee of every city or town shall establish special education advisory boards according to the provisions of this section. In every city or town where there are five or fewer than five special education programs in one or more schools, the school committee shall appoint one special education advisory board for the school system. In any city or town where

there are more than five such special education classes, a special education advisory board shall be established on a geographic basis for groups of five special education classes. If, after all of the special education advisory boards are appointed, there remains less than five special education classes which have no such advisory board, such group of less than five shall be represented by one or more geographically contiguous boards and shall be entitled to have representatives on such board or boards. A city or town which establishes more than one special education advisory board shall also form a system wide advisory board composed of representatives elected from each of the special education advisory boards in such city or town. Special education advisory boards and system wide advisory boards shall be established within three months after the effective date of this act.

The members of the special education advisory boards shall be appointed by the school committee, provided that at least half of the members of each such board shall be parents or guardians of children who have been placed in special classes or other special education programs in one of the schools to which the advisory board is attached. Members of the advisory boards and the councils shall serve for terms of two years and shall be reimbursed by the Commonwealth for the cost of transportation and other expenses necessarily incurred in the performance of their duties and approved by the school committee.

The special education advisory boards shall continually review all aspects of special education programs in the schools to which they are attached and each shall submit an annual report to the school committee and the system wide advisory boards on the quality of such programs, including recommendations for improvement. The system wide advisory boards shall annually prepare a report which is a composite of all of the reports of the advisory boards and shall add such information and recommendations as it deems appropriate. The school committee shall implement the recommendations of the advisory boards or shall

state in a written reply why one or more of such recommendations cannot or should not be implemented.

The members of each advisory board and council shall have access to such programs or information as is necessary for the effective performance of their duties, subject to statutory and other restrictions on confidential information. The school committee and its representatives shall assist each advisory board or council in the performance of its duties under this section.

VIII. AN ACT RELATIVE TO EXPANDING AND REGIONALIZING THE DIVISION OF SPECIAL EDUCATION.

Section 1. Chapter fifteen of the general laws is hereby amended by adding after section one L the following new section:

Section 1M. Division of Special Education

a) The powers and duties of the Division of Special Education shall include the following:

(1) it shall regulate, consult with and assist school committees in the identification, classification and referral of children requiring special education;

(2) it shall regulate all aspects of and assist with the development of all special education programs in the Commonwealth;

(3) it shall coordinate the expertise of professionals from other disciplines, both within and outside of the Department of Education and shall be the coordinating agency for all state agencies providing services to children requiring special education in order to provide special education programs which are as comprehensive as possible;

(4) it shall compile and make available to the public, for the purpose of evaluating special education programs, data on all children requiring special education who reside in the Commonwealth;

(5) it shall develop public information programs about the nature and extent of special educational needs of children resident in the Commonwealth and about the availability of special education programs to meet those needs;

(6) it shall develop certification standards for personnel employed in special education programs and shall develop flexible regulations to encourage greater use of para-professionals;

(7) it shall cooperate with and assist public and private colleges and universities within the Commonwealth in developing courses and programs best designed to prepare graduates to serve the educational requirements of children requiring special education;

(8) it shall receive and investigate complaints on behalf of an individual child or group of children receiving special education about any aspect of any special education programs and may initiate its own investigation without a complaint;

(9) it shall, subject to the priorities established pursuant to this section by the Board of Education and the state advisory board of special education, receive and allocate federal and state funds for programs for children requiring special education;

(10) it shall recommend to the board of education such rules, regulations and guidelines and shall issue such directives as are necessary to carry out the purposes of this chapter and to execute other provisions of law relative to the administration of programs for children requiring special education;

(11) it may recommend that the department withhold state and federal funds from public and private schools, agencies or institutions which fail to comply with the provisions of law relative to programs for children requiring special education or with any regulation, guideline or directive authorized in the chapter;

(12) it shall have such other powers and duties as are given it in this chapter and in other provisions of law relative to special education programs for children.

b) In order to carry out these powers and duties, there shall be at least five bureaus within the Division of Special Education. The board of education, upon the recommendation of the commissioner and associate commissioner for special education, shall appoint directors for each bureau, at least three of whom shall have had successful administrative and teaching experience in the field of special education. At least one bureau shall be responsible for coordinating the educational programs of the division with the non-educational services for children with special needs which are administered by other state agencies. In addition, at least one other such bureau shall be responsible for hearing complaints and conducting investigations pursuant to paragraph (8) of Section 1 of this chapter.

c) There shall be established in each of the mental health regions a regional branch of the Division of Special Education.[1] Each regional branch

[1]The reader is referred to Herbert Hoffman's Take A Giant Step (1969) in which a substantively similar recommendation was made.

shall have the following functions:

(1) it shall consult with and assist school committees in implementing the department's regulations, guidelines and directives in the area of special education;

(2) it shall directly assist school committees in identifying and diagnosing children with special needs and in developing special education programs to meet those needs;

(3) it shall be a central referral office in all cases where a child requires special education outside of the school district in which such child resides;

(4) it shall assist and encourage the formation of joint agreements between two or more school committees for the provision of special education;

(5) it shall investigate any special education program at the request of the department or on its own initiative;

(6) it shall have such other responsibilities as may be delegated to it by the department.

d) There shall be established in each region a special education advisory council, consisting of at least 16 members, appointed by the Department in consultation with the director of the regional branch to which such advisory council shall be attached. At least half of the members of each such council shall be parents, residing in the region, whose children are enrolled in a special education program of any kind, provided, however, that the Department shall assure that no less than three parents on each such advisory council shall be parents of children who are residents of institutions under the control of the Departments of Mental Health or Public Health. Each advisory board shall advise the regional branch to which it is attached, with respect to all aspects of special education programs within the region and shall submit a written report annually on the quality of such programs to the state advisory commission created under this section. In addition to its other powers and duties, the regional advisory council shall hear and transmit to such state advisory commission, complaints and suggestions of persons interested in special education in the region. Members of each

regional advisory council shall be granted access to special education programs and to information about such programs, subject to restrictions regarding confidentiality, and shall be assisted in carrying out their duties by the regional branch of the Division of Special Education. Members of the regional advisory councils shall be reimbursed by the Commonwealth for expenses necessarily incurred in the performance of their duties.

Each regional advisory council shall elect two representatives to a state advisory commission, at least one of whom shall be a parent whose child is receiving special education. The Department shall appoint a representative of the Department of Mental Health, Department of Public Health, and Department of Public Welfare to serve as members of the commission. Members of the state advisory commission shall be reimbursed for expenses which are necessarily incurred in the performance of their duties. Such advisory board shall annually submit a report to the Department evaluating the quality of special education programs in the Commonwealth and recommending improvements in those programs. The department shall implement the recommendations of the state advisory commission or shall state in a written reply why such recommendations cannot or should not be implemented. Such advisory commission shall also meet at least twice annually with the Board of Education for the purpose of determining, jointly with the Board of Education, the priorities for the expenditure of federal and state funds for programs, for children requiring special programs.

After they are established, each regional advisory council and the state advisory commission shall meet regularly and shall establish internal operating procedures.

PART II

A CHILD DEVELOPMENT APPROACH[1]

I. Creation of the State Agency

S. 1 Definitions

Whenever used in this chapter:

(a) 'child' means any person under twenty-one years of age.

(b) 'child with special needs' means a child who, because of temporary or permanent adjustment difficulties arising from intellectual, psychological, emotional, physical, perceptual, socioeconomic, cultural or linguistic factors or any combination thereof, requires special services in order to achieve the fullest possible development of his total personality.

(c) 'special service' means any state funded or supported service designed to assure the fullest possible development of the total personalities of children with special needs and includes the following:

(1) special attention given in or in conjunction with a regular classroom program;

(2) supplementary teaching or treatment in conjunction with a regular classroom program;

(3) part-time special class teaching or treatment in conjunction with a regular classroom program;

(4) full-time special class teaching or treatment in a regular school building;

(5) teaching or treatment at home;

(6) full-time teaching or treatment in a special day school or other day facility;

(7) teaching or treatment at a hospital;

(8) teaching or treatment at a short-term residential school;

(9) teaching or treatment at a long-term residential school or institution;

(10) any other program designed to benefit children with special needs.

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[1] See Appendix A for cost estimate of Child Development Model.

(d) 'children with special needs arising from socioeconomic factors' means children with special needs whose families receive or are eligible for assistance under the program of Aid to Families with Dependent Children.

(e) 'child with special needs arising from cultural or linguistic factors' means non-English speaking children or children with special needs from non-English speaking families and cultures;

(f) 'department' means department of child development;

(g) 'commissioner' means commissioner of child development;

(h) 'town' means city, town, superintendency union or regional district.

S. 2 Purpose

The purpose of this act is to create a new state department which will have authority and responsibility for all special services for children with special needs. By placing all such services within the jurisdiction of a single agency, the act recognizes that the developmental needs of children are many faceted and that a child who is not developing to his fullest potential because of temporary or permanent adjustment difficulties generally needs assistance in many aspects of his total development. The act also recognizes that the past fragmentation in a myriad of agencies of special services for children with special needs has resulted in frustration and anxiety for parents attempting to utilize those services, stigmatization of children and their families, inferior services for such children, and duplication and irresponsible waste of limited resources. The department of child development is designed to remedy these past inadequacies and to modernize and streamline special services for children with special needs. In view of the remedial purpose of this act, its provisions shall be liberally construed.

S. 3. Department of Child Development: Commissioner, Powers and Duties

There shall be a department of child development in this chapter called the department, which shall be under the authority and responsibility of a commissioner of child development. All actions of the department shall be taken

by the commissioner, or under his direction, by such agents and subordinate officers as he shall determine.

The department shall regulate and control all matters affecting the provision of special services for children with special needs. Its powers and duties shall include the following:

(a) it shall regulate, consult with and assist school committees in the identification, classification and referral of children with special needs;

(b) it shall regulate all aspects and assist with the development of all special services for children with special needs;

(c) it shall coordinate the expertise of professionals from different disciplines both within and outside of the department in order to provide the most comprehensive special services, at both the state and local levels, to children with special needs;

(d) it shall collect, compile and make available to the public for the purpose of evaluating special services, data on all children with special needs who reside in the Commonwealth;

(e) it shall develop public information programs to inform the public about the nature and extent of the special needs of children resident in the Commonwealth and about the availability of special services which exist to meet those needs;

(f) it shall develop and coordinate primary and secondary preventive programs to reduce the incidence of special needs in children;

(g) it shall develop and regulate a comprehensive system of certification for teachers, psychologists and other professional and paraprofessional personnel who work either part or full time administering special services for children with special needs. Further, it shall assist medical, nursing, social work and other professional and paraprofessional societies and agencies in developing appropriate preparation and performance standards;

(h) it shall coordinate the efforts of and assist public and private colleges and universities within the Commonwealth in developing courses and programs best designed to prepare graduates to serve children with special needs;

(i) it shall receive and investigate complaints on behalf of an individual child or group of children with special needs about any aspect of any special service and may initiate its own investigation without a complaint;

(j) it shall be the state agency designated to receive and allocate federal and state funds for children with special needs;

(k) it shall make such rules, regulations and guidelines and shall issue such directives as are necessary to carry out the purpose of this chapter and to execute other provisions of law relative to the administration of special services for children with special needs;

(l) it may withhold state and federal funds from public or private agencies which fail to comply with the provisions of law relative to the administration of special services for children with special needs or any regulation, guideline or directive of the department authorized in this chapter;

(m) it shall have such other powers and duties as are given to it in this chapter and in other provisions of law relative to the administration of special services for children with special needs.

S. 4 Commissioner: appointment by the governor

The governor shall appoint a commissioner of child development for a term coterminous with that of the governor. Said commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution the highest professional degree offered in education, medicine, nursing, psychology, social work or related science fields and by having no less than seven years professional or administrative experience in work related to the problems of child development. He shall devote his full time during business hours to the duties of his office, shall be the executive head of the department, and shall have full responsibility for the formulation and execution of all of its policies and the coordination of all of its functions. He shall appoint and may remove all employees in the department and may establish such divisions and bureaus in the department as he deems appropriate. Unless otherwise provided in this chapter, all such appointments and removals shall not be subject to the provisions of chapter 31 or of section 9A of chapter 30.

S. 5 Deputy Commissioner

The commissioner shall appoint a deputy commissioner who shall possess the same qualifications required of the commissioner, except that he shall have

had not less than five years experience in work related to the problems of child development, of which at least two shall have been as an administrator. Said deputy commissioner shall serve at the pleasure of the commissioner, and shall devote his full time during business hours to the duties of his office. He shall exercise such authority and shall discharge such duties of the commissioner as the commissioner may from time to time delegate to him and, in the absence or incapacity of the commissioner, or in the event of a vacancy of the office of the commissioner, shall act as the commissioner until the absence or incapacity shall have terminated or the vacancy shall have been filled.

S. 6 Assistant Commissioner for Education

The commissioner in consultation with the commissioner of the department of education shall appoint an assistant commissioner for education who shall supervise and consult with the other assistant commissioners on the educational aspects of all special services for children with special needs. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a graduate degree in education, the social sciences, or related fields and by having no less than five years professional or administrative experience in work related to the educational aspects of child development.

S. 7 Assistant Commissioner for Mental Health

The commissioner, in consultation with the commissioner of the department of mental health, shall appoint an assistant commissioner for mental health who shall supervise and consult with the other assistant commissioners on the psychological and emotional aspects of special services for children with special needs. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a graduate degree in psychiatry, other fields of medicine,

psychology, law, the social sciences or related fields and by having no less than five years professional or administrative experience in work related to the psychological and emotional aspects of child development.

S. 8 Assistant Commissioner for Health

The commissioner, in consultation with the commissioner of the department of public health, shall appoint an assistant commissioner for health who shall supervise and consult with the other assistant commissioners on the health aspects of special services for children with special needs. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a degree in medicine, or graduate degree in nursing, public health, the social sciences or related fields, and by having no less than five years professional or administrative experience in work related to the physiological aspects of child development.

S. 9 Assistant Commissioner for Social Health and Welfare

The commissioner, in consultation with the commissioners of the departments of education and welfare, shall appoint an assistant commissioner for social health and welfare who shall supervise and consult with the other assistant commissioners on the social and family aspects of special services for children with special needs. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution, a graduate degree, and by having no less than five years professional or administrative experience in work related to the social and family aspects of child development.

S. 10 Assistant Commissioner for Linguistic Development

The commissioner shall appoint an assistant commissioner for linguistic development who shall supervise and consult with the other assistant commissioners on the problems of children with special needs arising from cultural or linguistic factors and on the special services designed to meet those needs. Said

assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution, a graduate degree, and by having no less than five years professional or administrative experience in programs designed to teach English to children with special needs arising from cultural or linguistic factors. Said commissioner shall be fluent in the Spanish language.

S. 11 Administrative Assistant Commissioner

The commissioner shall appoint an administrative assistant commissioner who shall meet regularly with all of the assistant commissioners to assure that all regulations, guidelines, directives, and informal assistance by the department reflect, to the fullest possible extent, the views and ideas of the members of the different professional disciplines on the department's staff. Said assistant commissioner shall be responsible for coordinating the efforts of the department's staff and for assuring that all members of the department's staff are fully informed of all matters before the department which are within or intimately related to their particular area of expertise. He shall also be responsible for facilitating communication on common problems between staff members of different disciplines. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution, a graduate degree in the social sciences, law or related fields and by having no less than five years professional or administrative experience in work related to any aspect of child development.

S. 12 Assistant Commissioner for Research

The commissioner shall appoint an assistant commissioner for research who shall collect, compile and make available to the public, for the purpose of evaluating special services, data and information on all children with special needs who have received, are receiving or will receive special services under the regulation and authority of the department. He shall also conduct

research and compile information on innovative and exemplary programs, within or outside of the Commonwealth, for children with special needs. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a graduate degree in the social sciences or related fields and by having no less than five years professional or administrative experience in work related to any aspect of child development.

S. 13 Assistant Commissioner for Public Information

The commissioner shall appoint an assistant commissioner for public information who shall be responsible for informing the public about special needs of children and about the availability of the special services which exist to meet those needs. Said assistant commissioner shall also coordinate the services of the department with those of other agencies and groups which have programs designed to prevent or minimize the incidence of special needs in children and shall inform the public of the existence of such preventive programs. Said assistant commissioner shall be qualified by having earned from an accredited institution a graduate degree in the social sciences or related fields and by having no less than five years professional or administrative experience in any aspect of child development.

S. 14 Assistant Commissioner for Personnel Recruitment and Certification

The commissioner shall appoint an assistant commissioner for personnel recruitment and certification who shall develop and supervise a comprehensive system of recruitment, certification, and employment standards for professional and paraprofessional personnel who work either part or full time in carrying out any special service for children with special needs. Said assistant commissioner shall also cooperate with and assist public and private colleges and universities within the Commonwealth in developing courses and programs designed to achieve the best possible preparation of graduates who will serve children with special needs. Said assistant commissioner shall, at the time of his appointment,

be qualified by having earned from an accredited institution, a graduate degree in the social sciences or related fields and by having no less than five years professional or administrative experience in any aspect of child development.

S. 15 Assistant Commissioner for Investigation and Review

The commissioner shall appoint an assistant commissioner for investigation and review who shall hear complaints brought on behalf of individual children or a group of children eligible for or receiving special services about any aspect of such special services which is alleged to be denied or to be detrimental to the fullest development of such children. Said assistant commissioner also may investigate, on his own initiative, any special service when he has reason to believe that the best interests of a child or groups of children receiving such service will be furthered by such an investigation. To enable said assistant commissioner to carry out his duties effectively, the department shall have the power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the department. Said assistant commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a graduate degree in law, the social sciences or related fields and by having no less than five years professional experience in work related to any aspect of child development.[1]

S. 16 Regional Branches of the Department

The department shall establish in each of the seven mental health regions, a regional branch of the department which shall be composed of a

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[1] Services for juvenile delinquents have not been included because, frankly, we have not studied this problem with the care it deserves and needs. In the future, it is not inconceivable that an assistant commissioner for juvenile delinquency may be appointed.

supervisor and such other persons as the department shall deem necessary to perform the services enumerated in section 17 of this chapter. The department shall fix the terms of office and compensation of the supervisor and the other employees of each such regional branch team and their salaries shall be paid in the same manner as other state salaries. Each regional supervisor shall report to the deputy commissioner and shall consult with other regional supervisors.

S. 17 Powers and duties of the regional branches

Each regional branch shall have the following functions:

(a) it shall consult with and assist school committees in satisfying the requirements contained in the department's regulations, guidelines and directives;

(b) it shall directly assist school committees in identifying and diagnosing children with special needs and in developing special services to meet those needs;

(c) it shall be a central referral agency in all cases where children with special needs require special services outside of school;

(d) it shall assist and encourage the formation of agreements between two or more school committees to jointly provide special services;

(e) it shall investigate any special service at the request of the department;

(f) it shall engage in cooperative action with other regional branches and with any parent or community organizations whose purpose is to improve the services available to children with special needs;

(g) it shall have such other responsibilities as may be delegated to it by the department.

S. 18 Regional child development advisory councils: state child development advisory commission

There shall be established in each region a child development advisory council consisting of at least 16 members appointed by the department in consultation with the supervisor of the regional branch to which such advisory council shall be attached. At least half of the members of each such council shall be parents or guardians residing in the region, whose children are enrolled

in any special service, provided, however, that no less than three parents or guardians on each such advisory council shall be parents of children who are residents of institutions under the control of the Commonwealth. Each advisory council shall advise the regional branch to which it is attached, with respect to all aspects of all special services within the region and shall submit a written report, annually, on the quality of such programs, to the state advisory commission created under this section. In addition to its other powers and duties, the regional advisory council shall hear and transmit to such state advisory commission, complaints and suggestions of persons interested in special services in the region. Members of each regional advisory council shall be granted access to special education programs and information, subject to restrictions regarding confidentiality, and shall be assisted in carrying out their duties by the regional branch of the department. Members of the regional advisory councils shall be reimbursed by the Commonwealth for expenses necessarily incurred in the performance of their duties.

Each regional advisory council shall elect two representatives to a state advisory commission at least one of whom shall be a parent or guardian whose child is receiving a special service. Such state advisory commission shall submit a report, annually, to the department evaluating the quality of special services in the Commonwealth and recommending improvements in those services. The department shall implement the recommendations of the state advisory commission or shall state in a written reply why such recommendations cannot or should not be implemented.

After it is established, each such advisory council and commission shall meet at regular intervals and shall adopt internal operating procedures. Members of the state advisory commission shall be reimbursed by the Commonwealth in the same manner as members of the regional advisory boards.

II. Local responsibility to provide special services

Financing

S. 1 Definitions

The definitions in S. 1 of Part I shall be applicable to this Part. In addition, when used in this part:

(a) 'school age child' means any child who has attained the age at which he is required by law to attend school, but who has not attained the age at which such legal requirement terminates.

S. 2 Duties of School Committees

(a) In accordance with the regulations, guidelines and directives of the department and with the assistance of the regional branch of its region, the school committee of each town shall identify all school age children with special needs, diagnose the needs of such children, prescribe a special service to meet those needs, maintain a record of such identification, diagnosis and special service and make such reports as the commissioner may require. No school age child with special needs shall be excluded, exempted or suspended from school without the written approval of the commissioner.

(b) Within ten days after a referral of a child by a teacher or other person for purposes of determining whether such child has special needs, the school committee shall notify the parent or guardian of such child, by certified mail, that such referral has been made. Such notification shall include a statement advising such parent or guardian of the right to consult, with or without counsel, at the discretion of such parent or guardian, with one or more representatives of the school committee, including the teacher or other person who has referred the child. Such consultation shall be held promptly after a request by such parent or guardian and shall be for the purpose of explaining the basis for the referral, the procedures involved in making a final determination of whether a child should be placed in a special service, the specific nature of the courses and activities offered in such special service and the possible future placements of a child following termination of his placement in such special service.

If, within ten days after such consultation, said parent or guardian believes that an improper referral has been made, he may file a written objection with the school committee. The filing of such written objection shall stay a final determination regarding placement until the parent or guardian has had a reasonable opportunity, not to exceed sixty days from the filing of the objection, to present evidence in opposition to such placement. The school committee shall consider such evidence prior to making a final determination regarding such placement.

If, after objection by a parent or guardian, the school committee nevertheless decides to place the child in a special service, said school committee shall issue a written decision explaining the basis for such placement. A copy of such written decision shall be sent forthwith, by certified mail, to the child and his parent or guardian. Included with such copy shall be a notification of the right of the parent or guardian within thirty days after receipt of such notification, to file a complaint with the department. The filing of such complaint shall automatically stay the placement of a child into a special service until the department has rendered a decision on the complaint. The decision of the department shall be final.

After a child has been placed in a special service, the parent or guardian of such child may object to such placement by the same procedures established by this section for objecting to an initial referral, provided, however, that such objection shall be initiated by a complaint to the school committee and that subsequent post-placement complaints shall not be made until a period of at least nine months has elapsed since the decision of the department on the prior complaint.

(c) In accordance with the regulations, guidelines and directives of the department the school committee of each town shall:

(1) provide or arrange for special services for all resident school age children with special needs.

(2) provide or arrange for special services for children with special needs who have not attained school age, but whose development will be irreparably diminished without special services at an early age. The department shall define the criteria by which the school committee shall determine whether a child is eligible for special services pursuant to this subdivision. Such determination shall be made by the department when requested by a parent or guardian, or upon referral by a clinic, day care center, social worker, or physician provided the parent or guardian so permits.

(3) provide or arrange for special services for children with special needs who have attained the age at which the legal duty to attend school has terminated but whose development can be substantially improved by the provision of such services. The department shall define the criteria by which the school committee shall determine whether a child is eligible for special services pursuant to this subdivision. Such determination shall not be made without the express consent of the child and his parent or guardian.

(d) To meet its obligations under this section, any school committee may make agreements with any other school committee or, subject to the consent of the parent or guardian affected thereby and to constitutional limitations, may make an agreement with any public or private school, agency or institution to provide the

necessary programs or services. No expenditures made pursuant to a contract with such school, agency or institution for such special programs or services shall be reimburseable under the provisions of section 5, if the needs of the child for whom such special programs or services are being provided can be met, in the opinion of the commissioner, by a special service within a public school. Before granting approval of said contract for purposes of reimbursement, the commissioner shall consider such factors as the needs of the child, the suitability of the special service offered by such school, agency or institution and the feasibility of comparable alternatives. Any school committee may, subject to constitutional limitations, enter into a contract with the owners and operators of any workshop, training, or rehabilitation center for provision of an educational or occupational training program for children with special needs who are at least sixteen years of age, provided such center shall have been approved by the department.

(e) any school committee which provides or arranges for special services pursuant to this section, shall provide such transportation, tuition, room and board, and other items as are necessary to the provision of such special services. The department shall determine when a parent or guardian shall be liable for costs incurred by a school committee for the provision of such special services.

S. 3 Reimbursement for Construction

Any school district which agrees, as part of a regional plan approved by the department, to provide special services for children who reside in other school districts, shall be eligible to receive a grant in an amount equal to the net cost to such district of providing, constructing, or reconstructing and equipping appropriate facilities to be used exclusively for children requiring special services, provided such facilities shall be approved by the state board of education and shall be an adjunct to or connected with facilities for children in the regular school program and provided also that the school district shall provide, pursuant to the department's regulations, guidelines and directives, for the maximum feasible integration into the regular school program of children using such facilities. Applications for grants under this section shall be made to the department and grants shall be disbursed at such time and in such manner as said department may prescribe in a total amount equal to one hundred per cent of the cost of the facilities less any other public or private grants for such purposes.

S. 4 Reimbursement: Definitions

For the purposes of sections 1 to 5, inclusive,

(a) 'per pupil cost expenditure' shall mean the most recent calculations for the state department of education of per pupil expenditure by each school district in the Commonwealth.

(b) 'special service personnel' include all regular personnel and consultants employed in a special services program.

(c) 'special services equipment and materials' means such equipment and materials as are used primarily to implement special services programs.

(d) 'special service tuition' means the tuition, board, room, and other fees paid to another public or private school, agency or institution by a school district to meet the needs of children requiring special services, provided such payments have been made pursuant to an agreement approved by the commissioner.

(e) 'special service transportation costs' are the amounts paid by a claimant school district for transporting any child to and from any clinic, physician's office, agency or institution to which the district request the child to go for purposes of determining the need for special services and amounts paid for transporting such child to and from any school, agency or institution for the purpose of receiving a special service. If such transportation is on a bus which is transporting, at the same time, children in the standard educational program provided by the claimant board, said claimant board shall be reimbursed for each such child so transported in an amount equal to the actual cost of transporting such child. Said reimbursement shall be calculated pursuant to regulations, guidelines and directives of the department.

(f) 'special services rent' means any expenditure for rental of space or equipment to implement a special service.

(g) 'net cost of special service' means the result obtained by subtracting from the expenditures made by a claimant school district for special services personnel, equipment, materials, tuition, transportation and rent,

(1) the product of the per pupil expenditure and the number of school age children residing in and being educated at the expense of such district who are primarily in special service programs during the school day, and

(2) the total amount of any funds from other state or federal grants, private grants or special service tuition received by it in such year and used to implement special services programs. Such funds

shall not include supplementary federal assistance grants such as those provided pursuant to Title I of the Elementary and Secondary Education Act of 1965.

S. 5 State Aid for Special Education

Any school district which provides or arranges for a special service in accordance with the regulations of the department shall be reimbursed in the following manner:

(a) one hundred per cent of the net cost of special services for school age children.

(b) one hundred per cent of the net cost of special services for non-school age children.

S. 6 Separability Clause

All of the sections and parts of any section of this act are severable and the invalidity of any section or any part of any section shall not affect the continued validity of any other section or part thereof.

APPENDIX A

COST ESTIMATE FOR THE CHILD DEVELOPMENT MODEL

Summary

SALARIES

Commissioner	30,000
Deputy Commissioner	25,000
Assistant Commissioner of Education	20,000
Assistant Commissioner of Mental Health	20,000
Assistant Commissioner of Health	20,000
Assistant Commissioner of Social Health & Welfare	20,000
Assistant Commissioner of Linguistic Development	20,000
Assistant Commissioner of Administration	20,000
Assistant Commissioner of Investigation & Review	20,000
Assistant Commissioner of Research	20,000
Assistant Commissioner of Public Information	20,000
Assistant Commissioner of Personnel, Recruitment & Certification	20,000
3 Hearing Commissioners @ $18,000 each	54,000
7 Regional Child Development Supervisors @ $18,000 each	126,000
1 Business & Budget Assistant @ $18,000	18,000
7 Regional Child Development Ass't Supervisors @ $15,000 each	105,000
1 Statistician @ $19,500	19,500
1 Systems Analyst @ $15,000	15,000
27 Professionals @ $14,000 each	378,000
6 Professionals @ $13,000 each	78,000
31 Professionals @ $12,000 each	372,000
1 Administrative Assistant @ $12,000	12,000
1 Administrative Assistant @ $10,000	10,000
4 Statistical Assistants @ $13,000 each	52,000
1 Programmer @ $13,000	13,000
36 Secretaries @ $6,000 each	216,000
2 Secretaries @ $6,300 each	12,600
20 Clericals @ $5,000 each	100,000
TOTAL LABOR	$ 1,836,100
OVERHEAD EXPENSES @ 50% of Labor Base	918,050

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities*	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
	Equipment Repair

Equipment Rental/ Lease	Rearrangement/Repair	
Recruiting/Moving	Drafting/Reproduction	
Library	Miscellaneous	
	Other Services	
TOTAL DIRECT		$ 2,754,150
GENERAL & ADMINISTRATIVE EXPENSE @ 10%		275,415

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 3,029,565**

*Approximately 32,200 square feet of space required (includes halls, lavatory, reception, etc.)

**This amount includes $150,150 estimated for the Assistant Commissioner of Education's office which is planned to be absorbed from the present Department of Education.

COMMISSIONER'S OFFICE

Salaries

Commissioner	$ 30,000
Deputy Commissioner	25,000
Administrative Assistant	12,000
Administrative Assistant	10,000
2 Secretaries @ $6,300 each	12,600
Business & Budget Assistant	18,000

TOTAL LABOR	$ 107,600
Overhead Expenses @ 50% of Labor Base	53,800

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 161,400
General & Administrative Expense @ 10%	16,140

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 177,540

ASSISTANT COMMISSIONER FOR EDUCATION'S OFFICE*

Salaries

Assistant Commissioner	$ 20,000
5 Professionals @ $12,000 each	60,000
1 Secretary @ $6,000	6,000
1 Clerical @ $5,000	5,000

*to be absorbed from the Department of Education

TOTAL LABOR	$ 91,000
Overhead Expenses @ 50% of Labor Base	45,500

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 136,500
General & Administrative Expense @ 10%	13,650

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 150,150

ASSISTANT COMMISSIONER FOR MENTAL HEALTH'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
4 Professionals @ $14,000 each	56,000
4 Professionals @ $12,000 each	48,000
2 Secretaries @ $6,000 each	12,000
2 Clerical @ $5,000 each	10,000

TOTAL LABOR	$ 146,000
Overhead Expenses @ 50% of Labor Base	73,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 219,000
General & Administrative Expense @ 10%	21,900

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 240,900

ASSISTANT COMMISSIONER OF HEALTH'S OFFICE

Salaries

Assistant Commissioner	$20,000
2 Professionals @ $14,000 each	28,000
2 Professionals @ $12,000 each	24,000
3 Secretaries @ $6,000 each	18,000

TOTAL LABOR	$ 90,000
Overhead Expenses @ 50% of Labor Base	45,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 135,000
General & Administrative Expense @ 10%	13,500

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 148,500

ASSISTANT COMMISSIONER FOR SOCIAL HEALTH & WELFARE'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
2 Professionals @ $14,000 each	28,000
2 Professionals @ $12,000 each	24,000
3 Secretaries @ $6,000 each	18,000

TOTAL LABOR	$ 90,000
Overhead Expenses @ 50% of Labor Base	45,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 135,000
General & Administrative Expense @ 10%	13,500

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 148,500

ASSISTANT COMMISSIONER FOR LINGUISTIC DEVELOPMENT'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
2 Professionals @ $14,000 each	28,000
1 Professional @ $12,000	12,000
2 Secretaries @ $6,000 each	12,000

TOTAL LABOR	$ 72,000
Overhead Expenses @ 50% of Labor Base	36,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 108,000
General & Administrative Expense @ 10%	10,800

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 118,800

ASSISTANT COMMISSIONER FOR ADMINISTRATION'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
2 Professionals @ $13,000 each	26,000
2 Secretaries @ $6,000 each	12,000
2 Clericals @ $5,000 each	10,000

TOTAL LABOR	$ 68,000
Overhead Expenses @ 50% of Labor Base	34,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 102,000
General & Administrative Expense @ 10%	10,200

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 112,200

ASSISTANT COMMISSIONER FOR RESEARCH'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
1 Statistician @ $19,500	19,500
4 Statistician Assistants @ $13,000 each	52,000
1 Systems Analyst @ $15,000	15,000
1 Programmer @ $13,000	13,000
4 Secretaries @ $6,000 each	24,000
4 Clerical @ $5,000 each	20,000

TOTAL LABOR	$ 163,500
Overhead Expenses @ 50% of Labor Base	81,750

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 245,250
General & Administrative Expense @ 10%	24,525

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 269,775

ASSISTANT COMMISSIONER FOR PUBLIC INFORMATION'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
2 Professionals @ $13,000 each	26,000
2 Secretaries @ $6,000 each	12,000
1 Clerical @ $5,000	5,000

TOTAL LABOR	$ 63,000
Overhead Expenses @ 50% of Labor Base	31,500

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 94,500
General & Administrative Expense @ 10%	9,450

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 103,950

ASSISTANT COMMISSIONER FOR PERSONNEL RECRUITMENT & CERTIFICATION'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
2 Professionals @ $13,000 each	26,000
1 Secretary @ $6,000	6,000
2 Clerical @ $5,000 each	10,000

TOTAL LABOR	$ 62,000
Overhead Expenses @ 50% of Labor Base	31,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 75%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 93,000
General & Administrative Expense @ 10%	9,300

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 102,300

ASSISTANT COMMISSIONER FOR INVESTIGATION & REVIEW'S OFFICE

Salaries

Assistant Commissioner	$ 20,000
3 Hearing Commissioners @ $18,000 each	54,000
3 Professionals @ $14,000 each	42,000
3 Professionals @ $12,000 each	36,000
2 Secretaries @ $6,000 each	12,000
1 Clerical @ $5,000	5,000
TOTAL LABOR	$ 169,000
Overhead Expenses @ 50% of Labor Base	84,500

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

Travel & Living	Conference Expenses
Facilities	Insurance (State Portion 7%)
Office Supplies/ Expenses	Reports
Computer Usage	Consultants
Janitorial	Furniture, Office
Telephone & Telegraph	Light, Heat, Power
Equipment Rental/ Lease	Equipment Repair
Recruiting/Moving	Rearrangement/Repair
Library	Drafting/Reproduction
	Miscellaneous
	Other Services

TOTAL DIRECT	$ 253,500
General & Administrative Expense @ 10%	25,350

Indirect expenses generated by the office and consisting of:

Legal	Payroll
Financial	Insurance
Administrative Support	Retirement

plus their overhead expense

TOTAL COST	$ 278,850

REGIONAL CHILD DEVELOPMENT TEAMS' (7 teams) OFFICES

Salaries

7 Supervisors @ $18,000 each	$ 126,000	
7 Assistant Supervisors @ $15,000 each	105,000	
14 Professionals @ $14,000 each	196,000	
14 Professionals @ $12,000 each	168,000	
14 Secretaries @ $6,000 each	84,000	
7 Clerical @ $5,000 each	35,000	
TOTAL LABOR		$ 714,000
Overhead Expenses @ 50% of Labor Base		357,000

Those expenses directly related to the operation of the Commissioner's office which would include but not be limited to:

- Travel & Living
- Facilities
- Office Supplies/ Expenses
- Computer Usage
- Janitorial
- Telephone & Telegraph
- Equipment Rental/ Lease
- Recruiting/Moving
- Library
- Conference Expenses
- Insurance (State Portion 75%)
- Reports
- Consultants
- Furniture, Office
- Light, Heat, Power
- Equipment Repair
- Rearrangement/Repair
- Drafting/Reproduction
- Miscellaneous
- Other Services

TOTAL DIRECT	$1,071,000
General & Administrative Expense @ 10%	107,100

Indirect expenses generated by the office and consisting of:

- Legal
- Financial
- Administrative Support
- Payroll
- Insurance
- Retirement

plus their overhead expense

TOTAL COST	$1,178,100